

(c)—*Mode of recovering Wages.*

106. Any seaman or apprentice, or any person

Seaman may sue summarily before any Magistrate for wages not exceeding 500 Rupees.

duly authorized on his behalf, may sue, in a summary manner, before any Magistrate acting in or near to the place at which the service has terminated, or at which the seamen or apprentice has been discharged, or at which any person upon whom the claim is made is or resides, for any amount of wages due to such seamen or apprentice not exceeding five hundred Rupees. Every order made by such Magistrate in the matter shall be final.

Order of Magistrate to be final.

107. When an order for the payment of wages is made by a Magistrate under the last preceding section, and the wages are not

Levy of wages by distress.

paid at the time and in the manner prescribed, the sum mentioned in the order, with such further sum as may be thereby awarded for costs, shall be levied by distress and sale of the goods and chattels of the person directed to pay the same under a warrant to be issued for that purpose by the Magistrate.

108. No suit or proceeding for the recovery of

No suit for wages under 500 Rupees to be instituted in Admiralty Court, &c., except in certain cases.

wages under the sum of five hundred Rupees shall be instituted by or on behalf of any seaman or apprentice in any Court of Admiralty or Vice-Admiralty, or in any Court of Civil Judicature other than the Court of Small Causes, where such Court exists, unless the owner of the ship is adjudged bankrupt or declared insolvent, or unless the ship is under arrest, or is sold by the authority of any such Court, or unless the Magistrate, acting under the authority of this Act, refers the case to be adjudged by such Court.

109. Every master of a ship, whether British

Master to have some remedies for wages of seamen.

or foreign, shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages (subject to all just deductions) which by this Act or by any law or custom any seaman, not being a master, has for the recovery of his wages; and if, in any proceeding in any Court of Admiralty or Vice-Admiralty touching the claim of a master to wages, any right of set-off or counterclaim is set up, it shall be lawful for such Court to enter into and adjudicate upon all questions, and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and to direct payment of any balance which is found to be due.

Explanation.—A master is entitled, under this section and section 104, to double pay for the number of days (not exceeding ten) during which the payment of his wages is improperly withheld; but he is not so entitled if he himself causes the delay by improperly keeping back the accounts of the ship.

PART IX.—*Of the Wages and Effects of deceased Seamen.*

110. Whenever a seaman or apprentice on a

Master to take charge of effects of deceased seamen.

voyage which is to terminate at any port in British India during such voyage, the master shall take charge of all money, clothes, and effects which he leaves on board, and shall enter in the official log-book a statement of the amount

of money, and a description of the effects left by the deceased, and in case of a sale of such effects, the sum received for each article sold.

111. The master shall, within forty-eight hours

Effects and wages to be paid to Shipping Master with full accounts.

after his arrival at his port of destination in British India, deliver any such effects as aforesaid, and pay any money which he has taken charge of or received, and also the wages due to deceased, to the Shipping Master at such port, and shall give to such Shipping Master an account of the effects, money, and wages so to be delivered and paid. No deductions claimed in such account shall be allowed unless verified, if there is an official log-book, by the entry therein hereinbefore required, and also by such other vouchers (if any) as may be reasonably required by the Shipping Master to whom the account is rendered.

112. If the master fails to take such charge

Penalties for not taking charge of or accounting for such monies and effects.

of the money or other effects of a seaman or apprentice dying during a voyage, or to make such entries in respect thereof, or to make such payment or delivery, or to give such account as hereinbefore respectively directed, he shall be accountable for the money, wages and effects of the seamen or apprentice to the Shipping Master as aforesaid, and shall pay and deliver the same accordingly; and such master shall in addition incur a penalty not exceeding treble the value of the money or effects, or if such value is not ascertained, not exceeding five hundred Rupees. All money, wages and effects of any seaman or apprentice dying during a voyage shall be recoverable in the same Courts, and by the same modes of proceeding by which seamen are hereby enabled to recover wages due to them.

113. When money or effects left by or due to

Wages and property of deceased seamen may be paid without probate.

any deceased seaman or apprentice are paid or delivered to a Shipping Master, then, subject to such deductions for expenses incurred in respect of the seaman or apprentice, or of his said money and effects as the Shipping Master thinks proper to allow, the Shipping Master may pay and deliver the said money and effects to any claimants who can prove themselves to the satisfaction of the said Shipping Master to be entitled thereto, and the said Shipping Master shall be thereby discharged from all further liability in respect of the money and effects so said and delivered; or if he think fit so to do, the Shipping Master may require probate or letters of administration or a certificate under Act No. XX of 1841 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*), to be taken out, and thereupon pay and deliver the said money and effects to the legal representative of the deceased.

114. In cases of wages or effects of deceased

Disposal of wages or effects of deceased seamen not claimed within one year.

seamen or apprentices received by any Shipping Master to which no claim is substantiated within one year from the receipt thereof by such Shipping Master, it shall be the duty of the Shipping Master to cause such effects to be sold and to pay the proceeds of the sale and the unclaimed wages into the public Treasury. If any subsequent claim be made thereto, such money, and is established

to the satisfaction of the Shipping Master, the amount or so much as shall appear to be due to the claimant, shall be paid out of the public Treasury. If the claim is not established to the satisfaction of the Shipping Master, the claimant may apply by petition in a summary way to the High Court of Judicature at Fort William, Madras, or Bombay, as the case may be, and such Court, after taking evidence either orally or on affidavit, shall make such order on the petition as shall seem just: Provided that, after the expiration of

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six years from the receipt of such wages or effects by the Shipping Master, no such claim shall be entertained without the sanction of the Local Government.

PART X.—Of the Provisions, Health, and Accommodation of Seamen.

115. Any three or more of the crew of any ship registered at, trading with, or being at any port or place in British India, may complain to any Shipping Master or other Officer duly appointed in this behalf by the Local Government that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity. Such Officer may thereupon examine the said provisions or water or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall signify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water in lieu of any so signified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so signified to be insufficient in quantity, or uses any provisions or water which have been so signified as aforesaid to be of a bad quality and unfit for use, he shall, in every such case, incur a penalty not exceeding two hundred Rupees. Upon every such examination as aforesaid, the Officers making or directing the same shall enter a statement of the result of the examination in the official log, and shall send a report thereof to the Shipping Master, and such report, if produced out of the custody of such Shipping Master, shall be received in evidence in any legal proceeding.

116. If the Officer to whom any such complaint as last aforesaid is made, certifies in such statement as aforesaid that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Forfeiture for frivolous complaint.

117. In the following cases (that is to say),—

(1)—If during a voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for, is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement, and also except for any time during which such seamen wilfully and without sufficient cause refuses or neglects to perform his duty or is lawfully under confinement for misconduct, either on board or on shore):

(2)—If it is shewn that any of such provisions are or have during the voyage been bad in quality and unfit for use.

The seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages (that is to say),—

(1)—If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding three annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or one anna in the case of a lascar or Native seaman:

(2)—If his allowance is reduced by more than one-third of such quantity, six annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or two annas in the case of a lascar or Native seaman:

(3.) In respect of such bad quality as aforesaid a sum not exceeding eight annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or three annas in the case of a lascar or Native seaman.

But if it shewn to the satisfaction of the Court or Magistrate trying the case, that any provisions, the allowance of which has been reduced, could not be procured, or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, such Court or Magistrate shall take such circumstances into consideration, and shall modify or refuse compensation as the justice of the case may require.

Illustration.—Owing to the unexpected length of a voyage, the crew of a vessel are put on short allowance. They are entitled to compensation under this section.

118. All foreign-going ships and all Home-trade ships of a burden exceeding three hundred tons, shall have always on board a sufficient supply of medicines and appliances, suitable for diseases and accidents likely to happen on sea-voyages, according to such scale as shall be from time to time issued by the Local Government with the approval of the Governor General of India in Council, and published in Calcutta, Madras, and Bombay in the *Gazettes*, and in default thereof, the owner or master of every such ship shall be liable to a penalty not exceeding two hundred Rupees: Provided, however, that

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this section shall not apply to ships navigating from the United Kingdom and coming within the provisions of Section 224 of the Merchant Shipping Act, 1854. Nothing herein contained shall interfere with a seaman's right to maintain a suit in respect of a special damage resulting to him from the breach of the duty imposed by this section.

119. Every master shall keep on board proper weights and measures for the purposes of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises about such quantities, and in default shall for every offence incur a penalty not exceeding one hundred Rupees.

120. Whenever the master or any seaman of any ship registered at any place in British India shall receive any hurt or injury in the service of the vessel, the expense of providing the necessary surgical

Expense of medical attendance and subsistence in case of illness, how to be defrayed.

and medical advice and attendance with medicines and of his subsistence, until he shall be cured or shall be brought back to the port from which he was shipped or other port agreed upon, shall be defrayed, with the cost of his conveyance to such port, by the owner of the vessel without any deduction on that account from the wages of such master, officer, or seaman; and if paid by himself may be recovered as part of his wages; and if paid or allowed out of any monies forming part of the revenues of British India, shall be a charge upon the ship, and may be recovered with full costs of suit by the Secretary of State in Council.

121. A place or places of shelter shall be provided below a well-caulked and substantial deck for the men engaged under this Act. Such place or places shall be so arranged as to allow for the men the following spaces:—

(1.) For each European seaman or apprentice, other person shipped on the same footing as an European seaman, nine superficial feet if the place be not less than six feet in height from deck to deck, or fifty-four cubic feet if the height from deck to deck be less than six feet.

(2.) For each lascar or Native seaman, or other person shipped on the same footing as a lascar, four superficial feet, and if the place allotted be under the top-gallant fore-castle, such fore-castle deck shall be not less than four feet six inches above the one below it.

Every such place shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voyage. If any such place in any ship is not in the whole sufficiently large to give such space for each seaman and apprentice as hereinbefore required, or is not properly caulked and in all other respects securely and properly constructed and well ventilated, the owner shall, for every such failure to comply with the provisions of this section, incur a penalty not exceeding two hundred Rupees. If any such space as aforesaid is not kept free from goods and stores as aforesaid, the master shall, for every such failure to comply with the provisions of this section, incur a penalty not exceeding one hundred Rupees.

122. The Shipping Master at any port in British India, by himself or his deputy, may enter at any time on board of any ship upon which seamen have been shipped at such port, and inspect the provisions and water provided for the use of the crew, and the medicines and appliances and the accommodation for seamen prescribed by this Act or by the Merchant Shipping Act, 1854. If on inspection the provisions or water are found to be of bad quality and unfit for use or to be deficient in quantity, the Shipping Master shall proceed as provided in Section 115, and the penalty prescribed in the said section shall be incurred by any default of the master of the ship in respect of such provisions or water.

PART XI.—Of Complaints by Seamen.

123. If any seamen or apprentice, whilst on board any ship, states to the master that he desires to make complaint to a Magistrate against the master or any of the crew, the said master shall, if the ship is then at a place where there is a Magistrate, so soon as the service of the ship will permit, and if the ship is not then at such a place, so soon after her first arrival at such a place as the service of the ship will permit, allow such seaman to go ashore, or send him ashore in proper custody, so that he may be enabled to make such complaint, and shall in default incur a penalty not exceeding one hundred Rupees.

PART XII.—Of Protection of Seamen from Imposition.

124. No wages due or accruing to any seamen or apprentice shall be subject to attachment from any Court. Every payment of wages to a seaman shall be valid in law, notwithstanding any previous sale or assignment of such wages of any incumbrance thereon. No assignment or sale of such wages, or of salvage made prior to the accruing thereof, shall bind the party making the same. No power of attorney or authority for the receipt of any such wages or salvage shall be irrevocable.

125. No debt exceeding in amount three Rupees incurred by any seaman after he has engaged to serve shall be recoverable until the service agreed for is concluded.

126. If any person demands or receives from any seaman or apprentice payment in respect of his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided or boarded therein, he shall incur a penalty not exceeding one hundred Rupees.

127. If any person receives or takes into his possession or under his control any monies, documents, or effects of any seaman or apprentice, and does not return the same or pay the value thereof when required by such seaman or apprentice, subject to such deduction as may be justly due to him from such seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith, he shall incur a penalty not exceeding one hundred Rupees. Any Magistrate may, besides inflicting such penalty by summary order, direct the amount or value of such monies, documents, or effects, subject to such deduction as aforesaid, to be forthwith paid to such seaman or apprentice.

128. Every person who, not being in the service of Her Majesty, and not being duly authorized by law for the purpose, goes on board any ship about to arrive at the place of her destination before her actual arrival at the place of her discharge, without the permission of the master, shall, for every such offence, incur a penalty not exceeding two hundred Rupees. The master or person in charge of such ship may take any such person so going on board as aforesaid into custody, and deliver him up forthwith to any Police Officer, to be by

him taken before a Magistrate to be dealt with according to the provisions of this Act.

129. If, within twenty-four hours after the arrival of any ship at any port in British India, any person then being on board such ships solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such ship any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offence, incur a penalty not exceeding fifty Rupees.

PART XIII.—Of Discipline.

130. Any master of, or any seaman or apprentice belonging to any ship registered at, trading with, or being at any port or place in British India, who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offence, be liable to imprisonment, with or without hard labor, for a term not exceeding two years.

Explanation.—To sustain a charge under this section, it is not necessary that the act done or omitted should be followed by actual loss, destruction, or damage of the ship.

131. Any Court having Admiralty jurisdiction in British India may, upon application by the owner of any ship being within the jurisdiction of such Court, or by the part owner or consignee, or by the agent of the owner, or by any certificated mate, or by one-third or more of the crew of such ship, and upon proof on oath to the satisfaction of such Court that the removal of the master of such ship is necessary, remove him accordingly; and may also, with the consent of the owner or his agent, or the consignee of the ship, or if there is no owner or agent of the owner or consignee of the ship within the jurisdiction of the Court, then without such consent, appoint a new master in his stead, and may also make such order and may require such security in respect of costs in the matter as it thinks fit.

132. Every Court having Admiralty jurisdiction in British India, and the principal Court of Ordinary Criminal Jurisdiction as every Port in British India where there is no Court having Admiralty jurisdiction, may, upon application by the Advocate-General of the Presidency in which such Court is situate, or by any of the applicants mentioned in Section 131, investigate and try charges of incompetency or misconduct on the part of any master, mate, or engineer of any ship, who shall have obtained his certificate from the Board of Trade, or from any Local Government, and make

enquiry as to shipwreck or other casualties affecting ships, wherever such shipwreck or casualties may have occurred. If on such investigation it shall appear to any such Court as aforesaid that the loss or abandonment of, or any serious damage to, any ship, or loss of life, has been caused by the wrongful act or default of any such master, mate, or engineer, or that any such master, mate, or engineer has been guilty of any gross act of misconduct, drunkenness, or tyranny, such Court may suspend, for such period as it shall think fit, or may cancel such certificate, whether of competency or service, of such master, mate, or engineer, and the Court shall report the same to the Local Government within whose limits such Court is situated: Provided that no certificate shall be

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cancelled or suspended, unless a copy of the report, or a statement of the case upon which the investigation is made, shall have been furnished to the owner of the certificate before the commencement of the investigation: Provided also that the report of such Court is confirmed by the Local Government last aforesaid.

133. Every Court by which any investigation or trial is held under Section 132, shall, at the conclusion of the case, or as soon afterwards as possible, state in open Court the decision to which they may have come with respect to cancelling or suspending certificates, and shall, in cases where the certificate has been granted by the Board of Trade, send a full report upon the case with the evidence to the Board of Trade; and shall also, if they determine to cancel or suspend any such certificate, forward the same to the Board of Trade with their report. In cases where the certificate has been granted by any Local Government, the Court shall send a full report upon the case with the evidence to such Local Government; and shall also, if they determine to cancel or suspend any such certificate, forward the same with their report to the same Local Government.

134. If the Local Government, on the information of any Shipping Master, or on any other ground has reason to believe that any master or mate who has obtained a certificate of competency or service from such Government, or from any other Local Government, is, from incompetency or misconduct, unfit to discharge his duties, it may direct any Board or Officer at or near to the place at which it may be convenient for the parties and witnesses to attend, to institute an investigation; and thereupon such Board or Officer shall conduct the investigation into such charge of incompetency or misconduct, and shall, on the conclusion of the investigation, make a report upon the case to the Local Government which ordered the investigation.

135. For the purpose of any such enquiry under Section 132, or Section 134, the Court, Board, or Officer may summon the master, mate, or engineer, as the case may be, to appear, and shall give him full opportunity of making a defence, either in person or otherwise, and may summon and examine witnesses, and may make such order with respect to the costs of such investigation, and may require such security for costs, as such Court, Board, or Officer may deem

Penalty for misconduct endangering ship or life or limb.

Admiralty Court in British India may in certain cases remove master and appoint a new master.

Local Government may direct investigation in cases of incompetency and misconduct.

Court authorized to make enquiry into charges against masters, mates, and engineers, and to report to Local Government.

Powers of Court, &c., in making enquiry.

just. Every order in respect of costs under this section may be enforced in like manner as a fine may be enforced by a Magistrate in the port where such investigation is held.

136. The Local Government may suspend or cancel the certificate (whether of competency or service) granted by such Local Government, or by any other Local Government, under Act No. I. of 1859, or this Act, to any master or mate, in the following cases (that is to say),—

Local Government may cancel or suspend certificates in certain cases.

(1)—If upon any investigation conducted under the provisions of Sections 43, 44, and 45, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss or life, has been caused by his wrongful act or default:

(2)—If upon any investigation held under Section 134, the master or mate shall be reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny:

(3)—If upon any investigation held under the provisions of the Merchant Shipping Act, 1854, or the Merchant Shipping Amendment Act, 1862, or upon any investigation made by a Naval Court constituted as is provided by any law for the time being in force, or upon any investigation made by any Court or Tribunal authorized or hereafter to be authorized by the Legislative authority in any British possession to make enquiry into charges of incompetency or misconduct on the part of masters or mates of ships, or as to shipwreck or other casualties affecting ships, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default; or that he has been guilty of any gross act of misconduct, drunkenness, or tyranny. Provided always that, in the case of any report by any such lastmentioned Court or Tribunal, the report shall have been confirmed by the Governor or person administering the Government, of such possession:

(4)—If he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act, 1854, or any other law for the time being in force:

(5)—If he is shewn to have been convicted of any offence.

137. Every master, mate, or engineer whose certificate is cancelled or suspended under the provisions of this Act, shall deliver it to the Shipping Master, or to such other person as the Court or the Local Government which cancelled or suspended the certificate shall direct, and in default shall, for each offence, incur a penalty not exceeding five hundred Rupees. Provided that if the Local Government which cancels or suspends a certificate of a master or mate is not the Local Government that granted the same, the Local Government which so cancels or suspends the certificate shall report the pro-

Report to other Local Governments.

ceedings, and the fact of cancellation or suspension, to the Local Government which granted such certificate: Provided also, that it shall be competent to any Local Government at any subsequent time to grant to any person whose certificate has been cancelled, a new certificate of the same or of any lower grade.

138. Nothing contained in Sections 132 to 137 both inclusive, shall be held to affect the powers of removal vested by Section 240 of the Merchant Shipping Act, 1854, or Section 131 of this Act, in Courts having Admiralty jurisdiction in British India. The said powers may be exercised by the principal Court of Ordinary Criminal Jurisdiction at any port in British India where there is no Court having Admiralty jurisdiction, if the master or mate shall have received his certificate from any Local Government.

139. Whenever any seaman who has been lawfully engaged, or any apprentice to the sea-service, commits any of the following offences, he shall be liable to be punished summarily as follows (that is to say),—

(1)—For desertion he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned; and also, if such desertion takes place at any port or place not in British India, at the discretion of the Court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to any port or place in British India, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts, to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him:

Explanation.—"Desertion," as here used, means abandoning the ship without the intention of returning, and without just cause:

(2)—For neglecting or refusing, without reasonable cause, to join his ship or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion or not treated as such by the master, he shall be liable to imprisonment for any period not exceeding ten weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute:

Saving of powers vested in certain Admiralty Courts.

Same powers may be exercised by Chief Criminal Court in British Indian Port, where there is no Admiralty Court.

Offences of seamen and apprentices, and their punishments.

Desertion.

Neglecting or refusing to join, or to go to sea: absence within twenty-four hours before sailing, and absence without leave.

(3) — For quitting the ship without leave after her arrival at her port of delivery and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay :

(4) — For wilful disobedience to any lawful command he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding two days' pay :

(5) — For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also at the discretion of the Court, to forfeit for every twenty-four hours' continuance of such disobedience or neglect, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute :

(6) — For assaulting any master or mate he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour.

(7) — For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship, or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour :

(8) — For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the Court, to imprisonment for any period not exceeding twelve weeks, with or without hard labour :

(9) — For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy.

140. Upon the commission of any of the offences enumerated in the last preceding section, an entry thereof shall be made in the official log-book, and shall be signed by the master, and also by the mate or one of the crew; and the offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port, or if she is at the time in port before her departure therefrom, either be furnished with a copy of such entry, or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit. A statement that a copy of the said entry has been so furnished, or that the same has been so read over as aforesaid, and the reply

(if any) made by the offender shall likewise be entered and signed in manner aforesaid. In any subsequent legal proceeding, the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof, the Court hearing the case may, at its discretion, refuse to receive evidence of the offence.

141. Every sea-faring person whom the master of any ship is, under the authority of this Act or any Law, compelled to take on board and convey, and every person who goes to sea in any ship

without the consent of the master or owner or other person entitled to give such consent, shall, so long as he remains in such ship, be subject to the same laws and regulations for preserving discipline, and to the same penalties and punishments for offences constituting or tending to a breach of discipline to which he would be subject if he were a member of the crew and had signed the agreement.

142. Whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses to join, or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband, or consignee, may, with or without the assistance of Police Officers who are hereby directed to give the same if required, apprehend him without first procuring a warrant; and thereupon in any case, and shall, in case he so requires and it is practicable, convey him before some Court capable of taking cognizance of the matter, to be dealt with according to law; and may, for the purpose of conveying him before such Court, detain him in custody for a period not exceeding twenty-four hours or such shorter time as may be necessary; or may, if he does not so require, or if there is no such Court at or near the place, at once convey him on board. If any such apprehension appears to the Court before which the case is brought, to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee, who makes the same or causes the same to be made shall incur a penalty not exceeding two hundred Rupees; but such penalty, if inflicted, shall be a bar to any suit for false imprisonment in respect of such apprehension.

143. Whenever any seaman or apprentice is brought before any Court on the ground of his having neglected or refused to join, or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such Court may, if the master or the owner or his agent so requires, instead of committing the offender to prison, cause him to be conveyed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence, to be paid by the offender, and if necessary to be

deducted from any wages which he has then earned, or which by virtue of his then existing engagement he may afterwards earn.

144. If any seaman or apprentice is imprisoned on the ground of his having neglected or refused to join, or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if during such imprisonment and before his engagement is at an end his services are required on board his ship, any Magistrate may, at the request of the master or of the owner or his agent, cause such seaman or apprentice to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

145. In all cases of desertion from any ship registered at a port or place in British India while such ship is at any place out of British India, the master shall produce the entry of such desertion in the official log-book to the person or persons required by the Merchant Shipping Act, 1854, to endorse on the agreement a certificate of such desertion. Such person or persons shall thereupon make and certify a copy of such entry and also a copy of the said certificate of desertion. The master shall forthwith transmit such copies to the Shipping Master at the port where such seaman was engaged, who shall, if required, cause the same to be produced in any legal proceeding. Such copies, if purporting to be so made and certified as aforesaid, shall in any legal proceeding relating to such desertion be received as evidence of the entries therein appearing.

146. Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to shew that such seaman or apprentice was duly engaged in, or that he belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement, or if such voyage was to terminate at any port or place in British India, and the ship has not returned, that he is absent from her, and that an entry of the desertion has been duly made in the official log-book. Thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise shew to the satisfaction of the Court, that he had sufficient reasons for leaving his ship.

Explanation.—By desertion the wages for the whole voyage which was not completed at the time of the desertion are forfeited, but not the wages for any other completed voyage.

147. Whenever in any proceeding relating to seamen's wages it is shewn that any seaman or apprentice has in the course of the voyage been

convicted of any offence by any competent tribunal and rightfully punished therefor by imprisonment or otherwise, the Court hearing the case may direct a part of the wages due to such seaman, not exceeding thirty Rupees, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

148. Whenever any seaman contracts for wages by the voyage, or by the run, or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as the period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage. If the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

149. All clothes, effects, wages, and emoluments which, under the provisions hereinbefore contained, are forfeited for desertion, shall be applied in the first instance in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place, and may, if earned, subsequently to the desertion, be recovered by such master or by the owner, or his agent, in the same manner as the deserter might have recovered the same if they had not been forfeited; and in any legal proceeding relating to such wages, the Court may order the same to be paid accordingly; and, subject to such reimbursement, the same shall be paid into the public Treasury and carried to the account of Government. In all other cases on forfeiture of wages under the provisions hereinbefore contained, the forfeiture shall, in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable.

150. Any question concerning the forfeiture of or deductions from the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

151. If any seaman, on or before being engaged, wilfully and fraudulently makes a false statement of the name of his last ship, or last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding fifty Rupees. Such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expense (if any) occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this Act.

152. Whenever any seaman commits an act, of misconduct for which his agreement imposes a fine, and which it is intended to punish by

Seamen, imprisoned for desertion or breach of discipline, may be sent on board before termination of sentence.

Amount of forfeiture how to be ascertained when seaman contract for the voyage.

Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence.

Application of forfeitures.

Facilities for proving desertion so far as concerns forfeiture of wages.

Questions of forfeitures may be decided in suits for wages.

Penalty for false statement as to last ship or name.

Costs of procuring imprisonment may, to the extent of 20 Rupees, be deducted from wages.

Fines to be deducted from wages, and paid to Shipping Master.

enforcing such fine, an entry thereof shall be made in the official log-book, and a copy of such entry shall be furnished or the same shall be read over to the offender, and an entry of such reading over, and of the reply (if any) made by the offender, shall be made in the manner and subject to the conditions hereinbefore specified with respect to the offences against discipline specified in and punishable under this Act. Such fine shall be deducted and paid over as follows (that is to say), if the offender is discharged at any port or place in British India, and the offence, and other entries in respect thereof as aforesaid, are proved, in the case of a foreign-going ship to the satisfaction of the Shipping Master before whom the offender is discharged, and in the case of a Home-trade ship to the satisfaction of the Shipping Master at or nearest to the place at which the crew is discharged, the master or owner shall deduct such fine from the wages of the offender and pay the same over to such Shipping Master. If before the final discharge of the crew in British India, any such offender as aforesaid enters into any of Her Majesty's ships, or is discharged at any place not in British India, and the offence and such entries as aforesaid are proved to the satisfaction of the Officer in command of the ship into which he so enters, or of the Consular Officer, Officer of Customs, or other person by whose sanction he is so discharged, the fine shall thereupon be deducted as aforesaid, and an entry of such deduction shall then be made in the official log-book (if any) and signed by such Officer or other person. On the return of the ship to British India, the master or owner shall pay over such fine, in the case of foreign-going ships to the Shipping Master before whom the crew is discharged, and in the case of Home-trade ships to the Shipping Master at or nearest to the place at which the crew is discharged. If any master or owner neglects or refuses to pay over any such fine in manner aforesaid, he shall, for each such offence, incur a penalty not exceeding six times the amount of the fine retained by him: Provided that no act of misconduct for which any such fine as aforesaid has been inflicted and paid, shall be otherwise punished under the provisions of this Act.

153. Every person who by any means whatever persuades or attempts to persuade any seaman or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, shall, for each such offence, in respect of each such seaman or apprentice, incur a penalty not exceeding one hundred Rupees. Every person who wilfully harbours or secretes any seaman or apprentice who has deserted from his ship, or who has wilfully neglected or refused to join or has deserted from his ship, knowing or having reason to believe such seaman or apprentice to have so done, shall, for every such seaman or apprentice so harboured or secreted, incur a penalty not exceeding one hundred Rupees.

154. Any person who secretes himself and goes to sea in any ship without the consent of either the owner, consignee, or master, or of a mate, or of any person in charge of such ship, or of any other person entitled to give such consent, shall incur a penalty not exceeding two hundred Rupees, or be liable to imprisonment,

with or without hard labor, for any period not exceeding four weeks.

155. If during the progress of a voyage the master of any ship registered at any port or place in British India is superseded, or for any other reason quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody; and shall in default incur a penalty not exceeding one thousand Rupees. Such successor shall, immediately on assuming the command of the ship, enter in the official log a list of the documents so delivered to him.

PART XIV.—OF PASSENGERS BY SEA.

Chapter 1.—Of Native Passengers between India and the Red Sea or Persian Gulf.

156. Every vessel carrying more than thirty passengers being Natives of Asia or Africa, which may depart or proceed on any voyage from a port or place within British India to any port or place in the Red Sea or Persian Gulf, or which may arrive at any port or place within British India from any port or place in the Red Sea or Persian Gulf having on board more than thirty such passengers, shall be deemed a Native Passenger ship within the meaning of this Chapter.

157. No Native Passenger ship shall depart or proceed upon any voyage to which this Chapter extends from any port or place within British India other than such ports and places as the Local Government may from time to time appoint; and after any Native Passenger ship has departed or proceeded upon any such voyage from a port or place so to be appointed, no person whatsoever shall be received on board as a passenger, except at some other duly appointed port or place.

158. No Native Passenger ship shall depart or proceed upon any such voyage from any port or place appointed under this Chapter until the master shall have obtained a certificate from an Officer authorized to grant the same.

159. If any Native Passenger ship departs or proceeds upon a voyage from any port or place within British India, or if any person is received as a passenger on board a Native Passenger ship in contravention of the provisions of the last two preceding Sections, the owner or master shall be liable to a penalty not exceeding one hundred Rupees for every passenger conveyed on a ship unlawfully departing or proceeding on such voyage, or for every passenger unlawfully received on board; and the ship, if found within two years in any place within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Chapter have been adjudicated, and the payment thereof, with all costs, have been enforced under the provisions of Section 201.

160. The Local Government shall appoint such persons as it may deem proper to exercise and

On change of masters, documents hereby required to be handed over to successor.

What shall be deemed a "Native Passenger ship" within the meaning of Sections 156 to 174.

Native Passenger ship to sail only from ports appointed by Local Government.

Not to sail without obtaining a certificate.

Penalty for breach of provisions in Sections 157, 158.

Penalty for enticing to desert and harbouring deserters.

Penalty for obtaining passage surreptitiously.

Appointment of Officers.

perform the powers and duties conferred and imposed by this Chapter.

161. The master of any Native Passenger ship sailing from any port or place appointed under Section 157 shall give notice to the proper Officer that the ship is to carry Native passengers, and of her destination, and of the proposed day of sailing. Such notice shall be given not less than three days before the proposed day of sailing.

162. After receiving such notice, the Officer aforesaid, or any person authorized by him, shall be at liberty at all times to enter and inspect the ship and the fittings, provisions and stores therein. Any person impeding or refusing to allow such inspection shall be liable, on conviction, to a penalty not exceeding five hundred Rupees for each offence.

163. The Officer aforesaid may, if he think fit, cause the ship to be surveyed at the expense of the master by a competent surveyor, who shall report whether the ship is, in his opinion, sea-worthy and fit for her intended voyage.

164. The Officer aforesaid shall not give his certificate, unless he shall be satisfied—

(1)—That the ship is sea-worthy and properly manned, equipped, fitted and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers:

(2)—That the space appropriated to the passengers in the between-decks contains at the least nine superficial and fifty-four cubical feet of space for every adult passenger on board, that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one year and twelve years:

(3)—That a space of four superficial feet per adult is left clear on the upper-deck for the use of the passengers:

(4)—That provisions, fuel and water have been placed on board, of good quality, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale hereinafter contained.

165. No such ship shall carry any greater number of passengers than, together with the master and crew, shall amount to the proportion of two persons for every three tons of the registered or estimated tonnage of the ship.

166. The master of any such ship, before departing or proceeding on any such voyage from any port or place within British India shall sign two lists, specifying (as accurately as may be) the names of all the passengers, and stating the number of the crew; and shall deliver them to the Officer aforesaid, who shall thereupon (after having first mustered the passengers and compared the number and names of such passengers with the lists) countersign and return to the master one of such lists. The master shall note in writing

on such last-mentioned list, and on any additional list to be made under Section 167, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the ship at her destination or at any port in the said territories at which it may be proposed to land passengers, and before any passengers are landed, produce the list, with any additions thereto made, to any person lawfully exercising consular authority on behalf of Her Majesty at the port of arrival if it be a foreign port, or to the Chief Officer of Customs, or the Officer (if any) appointed under this Chapter at any port or place within British India at which it shall be intended to land the passengers or any of them. In case of non-compliance with any of the requirements of this Section on the part of the master, or if any false entry be wilfully made in any such list, the master shall be liable to a penalty not exceeding five hundred Rupees for each offence.

167. If, after the ship shall have departed or proceeded on any such voyage, any additional passengers are taken on board at a port or place within British India appointed under this Chapter for the embarkation of passengers, or if such ship shall, upon her voyage, touch or arrive at any such port, having previously received on board additional passengers at any place out of British India, the master shall obtain a fresh certificate from the Officer at such port, and lists of all such additional passengers shall be made; and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate to be granted, or any list to be made under this Section.

168. If any master of a ship, after having obtained a certificate under Section 158 or Section 167, shall fraudulently do or suffer to be done any act or thing whereby such certificate shall become inapplicable to the altered state of the ship, its passengers, or other matters to which such certificate relates, he shall be liable to a penalty not exceeding two thousand Rupees.

169. The Chief Officer of Customs, or the Officer (if any) appointed under this Act, at any port or place within British India at which the ship shall touch or arrive, shall, with advertence to the requirements of this Chapter, transmit any particulars which he may deem important respecting the ship and the passengers conveyed therein, to the Officer at the port from which the ship commenced her voyage, and also to the Officer at any other port in British India where the passengers or any of them embarked.

170. In any proceeding for the adjudication of any penalty incurred under this Chapter, any document purporting to be a report of such particulars as are referred to in the last preceding Section, or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if the same appears to have been officially transmitted to any Officer at or near the

place where the proceeding under this Chapter is had.

171. It shall be lawful for the Local Government, by any proclamation to be from time to time issued for that purpose and published in the *Gazette* or in one of the public newspapers to declare what shall be deemed, for the purposes of this Chapter, the duration of the voyage of any Native Passenger ship from any port or place to any other port or place.

172. Every Native Passenger ship, at the time of departure from the port or place at which passengers shall be embarked under this Chapter, shall have on board good and wholesome provisions for the use and consumption of the passengers, over and above the victualing of the crew, to the amount, or in the proportion following, that is to say, a supply of water to the amount of five gallons to every week of the computed voyage for every passenger on board, such water being carried in tanks or sweet casks; and a supply of rice, flour, oatmeal, or bread-stuffs to the amount of seven pounds weight to every week of the computed voyage for every such passenger: Provided always that, when any such ship shall be destined to call at a port or place in the course of her voyage for the purpose of filling up her water-casks, a supply of water at the rate before mentioned for every week of an average voyage to such port or place of calling shall be deemed to be a compliance with this Chapter. The provision of this Section regarding food shall be deemed to have been complied with in any case where it shall appear that, by the special authority of the Local Government, any other articles of food were substituted for the articles above enumerated as being equivalent thereto.

173. The requirements of this Chapter respecting the supply of provisions for passengers shall not, except as to the supply of water, be applicable to any passenger who may have contracted to furnish his own provisions.

174. If any ship bringing passengers from any port or place in the Red Sea or Persian Gulf to any port or place in British India shall have on board a greater number of passengers or persons than in the proportion prescribed by this Chapter, the master of such ship shall, in addition to any other penalty which he may have incurred under the provisions of this Chapter, be liable, on conviction, to a penalty not exceeding fifty Rupees for each person in excess of such proportion.

175. Nothing contained in Sections 156 to 174, both inclusive, shall apply to any ship under contract with the Government of any European State, or to any sea-going steam-vessel regularly employed in the conveyance of the public mails under a contract.

Chapter 2.—Of Native Passengers in the Bay of Bengal.

176. No vessels shall carry Native passengers from any port or place under the Presidency of Fort St. George, or from Chittagong, or from any port in the Province of Orissa, to any port or place on the eastern coast of the Bay of Bengal, or in the Straits of Malacca, or in Ceylon; or from any port or place on the eastern coast of the Bay of Bengal, or in the Straits of Malacca, to any port or place under the Presidency of Fort St. George, or to Chittagong, or to any port in the Province of Orissa, in a proportion greater than one passenger to every four tons of the burden of such vessel without a license.

177. No vessels shall be licensed to carry passengers on any such voyage as is specified in Section 176, in a proportion greater than one passenger to every ton of burden, nor unless the vessel has space on a deck or platform under hatches reserved for the accommodation of the passengers in the proportion of six superficial feet for every passenger, with not less than five feet clear between the upper-deck and the lower-deck or platform: Except a vessel proceeding in ballast from any part of the coast of the Gulf of Manaar or Palks' Strait to any port or place in Ceylon which may be licensed to carry a number of passengers not exceeding the proportion of two and a half to every ton of her burden, provided that the whole of the space usually allotted for cargo and not occupied by ballast, be kept for the accommodation of the passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the passengers on the deck or decks of the vessel be not less than four superficial feet for each passenger: And except a vessel carrying Native passengers between Chittagong and any port or place on the coast of Arracan which may be licensed to carry a number of passengers not exceeding the proportion of two and a half to every ton of her burden, subject to such regulations as the Government of Bengal may prescribe.

178. The master or tindal of any vessel which shall carry Native passengers on any such voyage as is specified in Section 176, without a license, in a proportion exceeding that laid down in Section 176, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of such proportion.

179. The master or tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the license, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeably to the license.

180. Passengers in a greater number than one passenger to every four tons of the burden of any vessel shall not be shipped from the territories under the Government of Fort St. George or from the Province of Orissa, for Ceylon or the eastern coast of the Bay of Bengal, or the Straits of Malacca; or from the eastern coast of the Bay of Bengal or the Straits of Malacca for the said territories or Province, or for Chittagong, except from such ports as shall be from time to time appointed by the Local Government by an order published in the *Gazette*; and the master or tindal of any vessel who shall take on board passengers for such voyage from any other port or place in a greater proportion to the burden of the vessel than is mentioned in Section 176 shall be liable to a fine not exceeding twenty Rupees for each passenger embarked.

181. It shall be at the discretion of the Collectors of Sea Customs for the ports appointed for shipping Native passengers, or such other persons as the Local Government may from time to time appoint for the purpose, to grant licenses to vessels under this Chapter: Provided that such licenses shall not be granted, except for vessels within the exceptions in Section 177, till the vessels have been surveyed according to such directions as shall be given from time to time by the Local Government. The license shall describe the vessel, her tonnage, and rig; the number of her boats, anchors, and cables; and what instruments for the purpose of navigation she is supplied with; also the name of the owner and of the master or tindal, and the number and composition of the crew; and shall specify the number of passengers she may carry and the space to be assigned for their accommodation.

182. The master or tindal of any vessel licensed to carry passengers from any port in the territories under the Government of Fort St. George, or from Chittagong, or from any port in the Province of Orissa, to any port or place on the eastern coast of the Bay of Bengal, or the Straits of Malacca; or from any port on the eastern coast of the Bay of Bengal, to any port or place in the territories under the Government of Fort St. George, or to Chittagong, or to any port in the Province of Orissa, which shall proceed on such voyage not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of the Local Government published in the *Gazette*, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of the number fully supplied with provisions and water according to such scale.

183. The master or tindal of any vessel licensed to carry passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty Rupees for every passenger who has suffered privation thereby.

184. The master or tindal of any vessel licensed to carry passengers from any port under the Government of Fort St. George to Ceylon, or between Chittagong, and any port or place on the coast of Arracan, who shall proceed on any such voyage without having laid in a supply of water and provisions for the passengers according to a scale to be fixed by the Collector of Sea Customs for such port, or such other person as the Local Government may from time to time appoint for the purpose, and to be hung up at the Custom House of the port, shall be liable to a fine not exceeding one hundred Rupees.

185. The master or tindal of any vessel licensed to carry passengers as hereinbefore provided shall sign and deliver in duplicate to the principal Officer of Customs at the place of embarkation, or such other person as the Local Government may from time to time appoint for the purpose, a list, according to the form in the third schedule to this Act, of all passengers to be conveyed in such vessel. Such Officer, after satisfying himself of the correctness of the same, and that the number of passengers authorized is not exceeded, shall countersign and return one such list to the master or tindal, to be produced to the proper Officer at the port to which the vessel is bound. Should any additional passengers engage to proceed by such vessel after such list has been so countersigned, the master or tindal may insert their names in the original list, obtaining the signature of the controlling Officer as before. The Officer in charge of the Customs may withhold the Port-Clearance till this rule is complied with.

186. If any vessel bringing Native passengers into any port or place whatsoever on the eastern coast of the Bay of Bengal, from any foreign European Settlement situate on the line of coast within the limits of the Presidency of Fort St. George, shall have on board a greater number of passengers than in the proportion prescribed in Section 176, the master or tindal of such vessel shall be liable to a penalty of twenty Rupees for each passenger in excess of such proportion, unless the vessel shall have been licensed under Section 181, and shall have complied with the stipulations as regards space, water, and provisions laid down in Section 177.

187. The principal Officer in charge of the Customs at the port of embarkation or of destination, or any person authorized by him, shall be at liberty at all times to enter and inspect any passenger-vessel to which the provisions of this Chapter apply, and the fittings, provisions, and stores in such vessel; and whoever impedes such entry or inspection, or refuses to allow of the same, shall be liable to a fine not exceeding fifty Rupees.

188. If any Native passenger in any ship upon any voyage under Chapters 1, 2 and 4 of this Part shall be landed at any port or place other than the port or place at which he may have contracted to land,

Government to appoint ports for shipment of passengers when the number of passengers to be carried is greater than one to every four tons of burden.

Supply of provisions on board passenger ships plying to and from Ceylon.

List of passengers to be signed by master.

Additional passengers.

Penalty for bringing Native passengers into any port on the eastern coast of the Bay of Bengal from any foreign European Settlement in excess of authorized proportion.

Penalty for impeding entry or inspection.

Penalty on landing passenger at a place other than that at which he has contracted to land.

unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the master shall, for each offence, be liable to a penalty not exceeding two hundred Rupees.

189. Nothing in Chapters 1, 2 and 4 of this Part shall take away or abridge any right of action which may accrue to any Native passenger, or to any other person, in respect of the breach or non-performance of any contract made with the master or owner of the ship or his agent.

Chapter 3.—Of forwarding certain Passengers taken off a Ship or picked up at Sea.

190. The provisions contained in Sections 191, 192, 193, applicable to passengers upon certain voyages.

Voyages from the ports of Calcutta, Madras, and Bombay, under Act No. XIII. of 1864 (to consolidate and amend the laws relating to the emigration of Native laborers), to the Mauritius, Jamaica, British Guiana, Trinidad, Saint Lucia, and Grenada.

Voyages from ports in British India, under Part XIV, Chapter 1, to ports in the Red Sea or Persian Gulf.

191. If the passengers on any such voyage, as is specified in Section 190, shall be taken off from the ship carrying such passengers, or should be picked up at sea from any boat, raft or otherwise, it shall be lawful, if the port or place to which they shall be conveyed, shall be in any of Her Majesty's Colonial Possessions, for the Governor of such Colony, or for any person authorized by him for the purpose, or if in any foreign country for Her Majesty's Consular Officers at such port or place therein, to defray all or any part of the expenses thereby incurred.

192. If any passenger of any such passenger ship as aforesaid shall, without any neglect or default of his own, find himself within any colonial or foreign port or place other than that at which he may have contracted to land, it shall be lawful for the Governor of such Colony, or for any person authorized by him for the purpose, or for Her Majesty's Consular Officer at such foreign port or place as the case may be, to forward such passenger to his intended destination, unless the master of such ship shall, within forty-eight hours of the arrival of such passenger, give to the Governor or Consular Officer, as the case may be, a written undertaking to forward or carry on within six weeks thereafter such passengers to his original destination, and unless such master shall accordingly forward, or carry him on within that period.

193. All expenses incurred under the last two preceding Sections, or either of them, by or by the authority of such Governor or Consular Officer as aforesaid, including the cost of maintaining the passengers until forwarded to their destination, and of all necessary beddings, provisions, and stores, shall become a debt to Her Majesty and Her successors from the owner, charterer, and master of

such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like manner as in the case of other Crown debts; and a certificate purporting to be under the hand of any such Governor or Consular Officer (as the case may be) stating the total amount of such expenses, shall in any suit or other proceeding for the recovery of such debt be received in evidence without proof of the hand-writing, or of the official character of such Governor or Consular Officer, and shall be deemed sufficient evidence of the amount of such expenses, and that the same were duly incurred: Provided, nevertheless, that in no case shall any larger sum be recovered on account of such expenses than a sum equal to twice the total amount of passage money received by the owner, charterer, or master of such passenger ship or any of them, from or on account of the whole number of passengers who may have embarked in such ship

which total amount of passage money shall be proved by the defendant if he will have the advantage of this limitation of the debt: but if any such passengers are forwarded or conveyed to their intended destination under the provision of the last preceding Section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage.

Chapter 4.—Of Coasting Passenger Steamers.

194. Steam-vessels which may be intended to carry passengers on coasting voyages from or to any port or place in British India, shall before proceeding on such voyages, be furnished with certificates to be granted in the manner hereinafter provided.

195. Every such certificate shall be granted at the discretion of an Officer authorized to grant the same by the Local Government, and shall remain in force for the period therein specified, unless sooner revoked. The Officer so authorized shall not grant such certificate, or suffer the same to remain in force, unless he is satisfied, by inspection or survey (to be made at least twice in each year at the expense of the master or owner, and upon payment of a fee not exceeding twenty Rupees), that such steam-vessel is seaworthy and properly equipped with boats and otherwise, and that the engines and machinery are in a fit state to enable her to proceed on her voyage. The certificate shall state the limits (if any) within which the vessel is to ply, and the number of Native passengers which the vessel is permitted to carry; such number to be subject to such conditions and variations according to the time of year, the nature of the voyage, and the cargo carried, as the case requires.

196. The owner or master of any such steam-vessel shall put up in a conspicuous part of the ship, so as to be visible to persons on board the same, a copy of the said certificate, and shall cause it to be continued in such position so long as the certificate remains in force; and in default, such owner or master shall for each offence be liable to a fine not exceeding two hundred Rupees.

Passengers' right of action preserved.

Sections 191, 192, 193, applicable to passengers upon certain voyages.

Governors or Consuls may pay expenses of passengers taken off a passenger ship.

Governors or Consuls may send on passengers, if the master of the ship fail to do so.

Expenses incurred under the two preceding Sections, to be a Crown debt.

Passengers forwarded by Governor, &c., not entitled to compensation.

Certificates to be furnished to coasting steam-vessels intended to carry passengers.

Grant and contents of such certificates.

Copy of certificate to be placed in conspicuous part of steamer.

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197. If any such steam-vessel has on board thereof a number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, the owner or master shall be liable to a fine not exceeding twenty Rupees for every passenger over and above the number allowed by the certificate.

198. If any such steam-vessel shall proceed on any such voyage without such certificate as aforesaid, the owner or master shall be liable to a fine not exceeding five hundred Rupees.

199. In the grant or revocation of any certificate whatsoever under Chapters 1 and 4 of this Part, the Officer granting the same shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint.

PART XV.—Of Procedure.

200. Whenever, in the course of any legal proceedings instituted at any port or place in British India before any Judge or Magistrate, or before any person authorized by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of such proceeding, any deposition that such witness may have previously made in relation to the same subject matter before any Justice or Magistrate in Her Majesty's Dominions (including all parts of British India other than those subject to the same Local Government as the port or place where such proceedings are instituted), or any British Consular Officer elsewhere, shall, if authenticated by the signature of the Justice, Magistrate, or Consular Officer, be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceedings are instituted: Provided that, if the proceeding is criminal, such deposition shall not be admissible unless it was made in the presence of the person accused, and the fact that it was so made is certified by the Justice, Magistrate, or Consular Officer. It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition: and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

201. All offences under this Act, made punishable by any penalty, may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate. The provisions of Act No. XIII. of 1856, relating to the adjudication of fines and penalties, and the enforcing payment thereof, shall apply to penalties imposed under this Act in the towns of Calcutta, Madras, and Bombay.

202. In all cases where any Court or Magistrate has power to make an order directing payment to be made of any seamen's wages, penalties, or other sums of money, than if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the Court or Magistrate who made the order may in addition to any other powers which such Court or Magistrate may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the said ship, her tackle, furniture, and apparel.

203. For the purpose of the adjudication of penalties under Chapters 1, 2 and 4 of Part XIV., any offence shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

204. The penalties to which masters and owners of ships are liable by Chapters 1, 2 and 4 of Part XIV., shall be enforced only by information laid at the instance of the Officers appointed to grant certificates under this Act, or at any port or place where there is no such Officer, by the Chief Officer of Customs.

205. Any Magistrate imposing any penalties under Chapters 1, 2 and 4 of Part XIV., may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings.

FIRST SCHEDULE.

NUMBER OF ACT.	TITLE OF ACT.
X. of 1841	An Act for prescribing the rules to be observed in order that ships or vessels belonging to ports within the territories under the Government of the East India Company, or belonging to Native Princes or States or their subjects, may become entitled to the privileges of British ships under a proclamation of the Governor General of India in Council made in pursuance of the Statute 3rd and 4th Vic., Cap. 56.
XI. of 1850	An Act to amend Act X. of 1841.
XXI. of 1858	An Act for the regulation of Native Passenger ships and of steam-vessels intended to convey passengers on coasting voyages.

NUMBER OF ACT.	TITLE OF ACT.
I. of 1859 ...	An Act for the amendment of the law relating to Merchant Seamen.
XXV. of 1859 ...	An Act to prevent the overcrowding of vessels carrying Native passengers in the Bay of Bengal.
II. of 1860 ..	An Act to amend the law relating to the carriage of passengers by sea.
XV. of 1863 ..	An Act to amend Act I. of 1859 (for the amendment of the law relating to Merchant Seamen.)

SECOND SCHEDULE.

TABLE A. (See Section 50.)

Fees to be charged for matters transacted at Shipping Offices.

1. Engagement or discharge of crews—

	Rs.	A.	P.
In Ships under 100 Tons ...	3	0	0
From 100 to 200 „ ..	7	0	0
200 to 300 „ ..	10	0	0
300 to 400 „ ..	12	8	0
400 to 500 „ ...	15	0	0
500 to 600 „ ..	17	8	0
600 to 700 „ ...	20	0	0
700 to 800 „ ...	22	8	0
800 to 900 „ ...	25	0	0
900 to 1,000 „ ...	27	8	0
above 1,000 „ ...	30	0	0

and so on for ships of larger tonnage, adding for every 100 tons above one thousand, two Rupees and eight annas.

2. Engagement or discharge of seamen separately, one Rupee for each seaman.

TABLE B. (See Section 51.)

Sums to be deducted from wages by way of partial re-payment of fees in Table A.

1. In respect of engagements and discharges of crews, upon each engagement and each discharge—

	Rs.	A.	P.
From wages of any mate, purser, engineer, surgeon, carpenter or steward	0	12	0
From wages of all others, except apprentices... ..	0	8	0

2. In respect of engagements and discharges of seamen separately, upon each engagement and each discharge

0 8 0

THIRD SCHEDULE.

(See Section 185.)

FORM.

1.	2.	3.	4.	5.	6.	7.
Name of vessel.	Name of Master.	Tons per register.	Port of embarkation.	Numbers and names of passengers.	Ports at which passengers have contracted to be landed.	Date of departure.

(Signed) _____,

Master.

(Countersigned) _____,

Principal Officer of Customs.

NOTE.—In the case of vessels carrying passengers to Ceylon, or between Chittagong and any port or place on the coast of Arracan, it will be sufficient to insert the numbers, and not the names, of passengers in column 5.

STATEMENT OF OBJECTS AND REASONS.

Certain amendments of Act No. XV. of 1863, the latest Indian Act relating to Merchant seamen, having been suggested by the Bengal Government, it has been thought desirable, in giving effect to these suggestions, to take the opportunity of consolidating and amending the laws respecting Merchant shipping, seamen and passengers by sea, instead of adding a ninth Act to the eight in which the law on these subjects is now comprised.

One of the suggested amendments consists in a provision enabling any Court having admiralty jurisdiction in British India and the principal Court of Ordinary Criminal Jurisdiction at every British Indian port where there is no Admiralty Court, to investigate charges of incompetency or misconduct against masters, &c., whose certificates have been granted by any Local Government. As the law stands, such investigations can only be held by a Court when the certificate has been granted by the Board of Trade.

Section 6 of Act XV. of 1863 empowers the Local Government to direct investigations into such charges. But such investigations can only be ordered by the Local Government of the place where the casualty which gave rise to the charge occurred, and the Local Government has no power to cancel certificates granted by the Board of Trade. The present Bill, if it become law, will enable the Court at any port of this country at which a ship may arrive, to enquire into the circumstances of a partial wreck which has occurred anywhere on the coasts of British India and to cancel certificates whether granted by the Board of Trade or by any Local Government.

The Bill is divided into Parts with Titles. Part I contains the usual preliminary provisions. Part II relates to the registry of ships, and

embodies the enactments of Acts No. X. of 1841 and No. XI. of 1850. To this have been added clauses corresponding with Section 8 of the Evidence Act (No. XV. of 1852), which relates to the admissibility of registers and certificates of registry, but only extends to the High Courts.

Part III relates to official logs, and corresponds with Sections 103—110 of Act No. I. of 1859 (*for the amendment of the law relating to Merchant seamen.*)

Part IV relates to enquiries as to wrecks, and corresponds with Sections 100—102 of Act I. of 1859. These provisions have, however, at the suggestion of the Bengal Government, been extended to the case of the wrecks of foreign vessels. A Section corresponding with Section 19 of Statute 18 and 19 Vic., cap. 91, has been added to the effect that, in case of the wreck of a foreign vessel, the Consular Officer of the country to which the ship may have belonged, shall be deemed to be the owner's agent.

Part V relates to Shipping Offices, and agrees with Act I. of 1859, Sections 2—8.

Part VI (as to the examination and certificates of masters and mates) corresponds with Sections 9 to 16 of Act I. of 1859, as limited by Act XV. of 1863, Section 2.

Part VII of the engagement of seamen, is Act I. of 1859, Sections 18—35.

Part VIII relates to the wages of seamen, and corresponds with Act I. of 1859, Sections 36—58. A few amendments have been made in this part suggested by Section 18 of Statute 25 and 26 Vic., cap. 63, and by the decisions of the English Admiralty and other Courts, on the corresponding Sections of the English Merchant Shipping Act of 1854.

Part IX relates to the wages and effects of deceased seamen, and corresponds to Act I. of 1859, Sections 59—63, the re-enactment of which will preclude all question as to the effect of the Indian Succession Act, 1865, upon the provisions last referred to.

Part X corresponding with Sections 64—71 of Act I. of 1859, contains clauses relating to the provisions, health, and accommodation of seamen, and here again have been introduced explanations analogous to those contained in the Penal Code, and the Indian Succession Act, 1865, and embodying certain decisions of the English Courts on the corresponding Sections of the Merchant Shipping Act.

Part XI empowers seamen or apprentices to make complaints to a Magistrate against the master or any of the crew, and is identical with Section 72 of Act I. of 1859.

Part XII contains the provisions comprised in Sections 73—78 of Act I. of 1859, for the protection of seamen from imposition.

Part XIII of *discipline*, contains with the improvements abovementioned, the provisions relating to charges against masters and mates comprised in Sections 4—10 of Act XV. of 1863, and also the enactments as to discipline contained in Sections 79, 80, 83 to 99 of Act I. of 1859.

In Part XIV are comprised the provisions contained in the three existing Acts, Nos. XXI. of 1858, XXV. of 1859, and II. of 1860, relating to passengers by sea. The provisions as to coasting steamers made by Sections 20—26 of Act XXI. of 1858 are also embodied in this Part.

Part XV relates to procedure and the enforcement of penalties under the Bill, and corresponds with Sections 112 and 113 of Act I. of 1859, Sections 30, 31 and 32 of Act XXI. of 1858, and Sections 16 and 17 of Act XXV. of 1859.

As it is not probable that this Bill will become law before the time when the Straits Settlement will cease to form part of British India, all reference to that Settlement has been omitted.

SIMLA, } H. S. MAINE.
The 25th September 1866. }

WHITLEY STOKES,
Asstt. Secy. to the Govt. of India,
Home Dept., Legislative.

ORDERS by the LIEUTENANT-GOVERNOR of BENGAL.

No. 2488.

APPOINTMENTS.

The 7th November 1866.—The Reverend A. O. Hardy to officiate as Chaplain of St. Paul's Cathedral and the Presidency Jail.

Mr. C. T. Metcalfe to officiate as Joint-Magistrate and Deputy Collector of Monghyr, during the absence, on deputation, of Mr. J. Geoghegan, or until further orders.

Mr. P. A. Humphrey to officiate as Joint-Magistrate and Deputy Collector of Rajshahye, with effect from the 29th ultimo.

Lieutenant W. F. Trotter, Assistant Commissioner, to have charge of the Sub-Division of Dhoo bree, in the district of Gawalparah.

The 8th November 1866.—Baboo Gunganund Mookerjee to officiate as a Deputy Magistrate, under Act XV. of 1843, and a Deputy Collector, under Regulation IX. of 1833, in the Chota Nagpore Division; to be posted to Hazareebaugh, and to exercise the powers of a Subordinate Magistrate of the Second Class in any or all the districts of that Division, during the absence, on special deputation, of Baboo Kalidas Palit, or until further orders.

The 9th November 1866.—The following Assistant Superintendents of Police are transferred to Cuttack, viz. :—

Mr. F. Dawson from Bhaugulpore.
" W. Mackenzie from Monghyr.
" C. E. S. Innes from Tirhoot.

The 10th November 1866.—Captain G. M. Bowie to be District Superintendent of Police, Gya, but to continue to officiate, until further orders, as Deputy Inspector-General of Police, Third Circle.

Mr. J. Lambert to officiate, temporarily, as District Superintendent of Police, Gya.

This cancels the transfer of Captain F. N. Miles, District Superintendent of Police, from Champaran to Gya, and that of Lieutenant R. M. Skinner, District Superintendent, from Saran to Champaran, notified in the *Calcutta Gazette* of the 10th October last.

Mr. J. H. Thompson to be District Superintendent of Police, Pooree.

Mr. R. S. O'Connor to be District Superintendent of Police, Singbhoom.

Mr. R. W. King to be District Superintendent of Police, Maldah.

This cancels his appointment to Saran, notified in the *Calcutta Gazette* of the 10th October last.

Mr. W. P. Davis to be District Superintendent of Police, Nowgong, but to continue to officiate as Deputy Commissioner of Police, Calcutta, until the return from leave of Major W. Reveley, or until further orders.

Mr. T. Weldon to be District Superintendent of Police, Durrung.

Mr. J. M. E. Gouldsbury to be District Superintendent of Police, Pubna.

Mr. H. W. J. Bamber to be a District Superintendent of the Fourth Grade, Chittagong, but to officiate as District Superintendent of Bograh, during the absence, on deputation, of Mr. H. L. Jones, or until further orders.

Mr. A. King to officiate as District Superintendent of Police, Chittagong.

Mr. H. G. Wilkins, Assistant Superintendent of Police, is transferred from Bograh to Burdwan.

Lieutenant E. G. Lillingston to officiate as Deputy Commissioner of Lohardugga, during the absence, on leave, of Mr. H. L. Oliphant, or until further orders, with effect from the 29th ultimo, the date on which he assumed charge.

The 12th November 1866.—Baboo Judoonath Bose, Deputy Magistrate and Deputy Collector, to have temporary charge of the Sub-Division of Bhubbah, and to exercise the powers of a Magistrate in Shahabad, during the absence, on leave, of Lalla Faqueer Chand Lall, or until further orders.

Mr. W. M. Souttar, Assistant Magistrate and Deputy Collector of Nurail, to have temporary charge of the Sub-Division of Magoorah, during the absence, on leave, of Mr. W. G. Deare, or until further orders.

Mr. W. D. Pratt, Assistant Superintendent of Police, Shahabad, is transferred to the Hill Tracts of Chittagong, and is also vested with the powers of an Assistant Commissioner in those Tracts.

Mr. P. G. Scott, Assistant Superintendent of Police, Hill Tracts of Chittagong, is transferred to Shahabad.

Mr. J. H. A. Branson to officiate as Second Judge of the Calcutta Court of Small Causes, during the absence, on leave, of Mr. N. H. Thomson, or until further orders.

Mr. G. C. Seance to officiate as Magistrate of Police, Southern Division, Calcutta.

The 13th November 1866.—Lieutenant M. O. Boyd, 6th Regiment Native Infantry, to officiate as an Assistant Commissioner in Assam, and to exercise the powers of a Subordinate Magistrate of the Second Class, during the absence, on deputation, of Captain W. C. S. Clarke, or until further orders.

Lieutenant J. Gregory to be Deputy Commissioner of the Naga Hills.

Mr. R. B. Chapman to officiate as Commissioner of Revenue and Circuit of the Nuddea Division, during the absence, on special deputation, of Mr. H. L. Dampier, or until further orders.

LEAVE OF ABSENCE.

The 7th November 1866.—Baboo Rakhal Das Haldar, Deputy Collector of Survey, in Maunbhoom, is allowed leave of absence from the 31st May to 13th August last, under paragraph 11 of the Uncovenanted Service Absentee Rules.

Baboo Sreenath Mookerjee, Sub-Assistant Surgeon of the Charitable Dispensary at Mozufferpore, for one month, under paragraph 16 of the Uncovenanted Service Absentee Rules, from the date on which he may avail himself of the leave.

Mr. W. H. Cox, Professor, Kishnagur College, for six months, without pay, under the Financial Notification, dated 4th June 1864.

The 8th November 1866.—The late Mr. J. G. Medlicott, Inspector of Schools, South-West Division, obtained leave of absence, from the 13th April to 2nd May last, under paragraph 11 of the Uncovenanted Service Absentee Rules.

The 9th November 1866.—Baboo Doorgaguty Banerjee, Special Sub-Registrar of Assurances, Gya, for ten days, under the orders of the Right Hon'ble the Secretary of State for India, dated 8th November 1865, in extension of the leave granted to him under orders of the 15th ultimo.

The 10th November 1866.—Mr. H. L. Oliphant, Deputy Commissioner of Lohardugga, for one month, from the 29th ultimo, under Section 6 of the Covenanted Service Absentee Rules.

The 12th November 1866.—Lieutenant W. J. Williamson, Assistant Commissioner of the Garrow Hills, for one month, under Section 6 of the Covenanted Service Absentee Rules, from the date on which he may avail himself of the leave.

Lalla Faqueer Chand Lall, Deputy Magistrate and Deputy Collector of Bhubbah, for three months, under the orders of the Right Hon'ble the Secretary of State for India, dated 8th November 1865, from the date on which he may avail himself of the leave.

Mr. W. G. Deare, Deputy Magistrate and Deputy Collector of Magoorah, for one month, under paragraph 16 of the Uncovenanted Service Absentee Rules, from the date on which he may be relieved by his successor.

Mr. A. H. Giles, District Superintendent of Police, Nuddea, is allowed leave of absence from 18th to the 25th September last, under paragraph 16 of the Uncovenanted Service Absentee Rules.

Lieutenant E. G. Lillingston, Assistant Commissioner, Lohardugga, for fifteen days, under Section 6 of the Covenanted Service Absentee Rules, from the 21st December next, or any subsequent date on which he may avail himself of the leave.

Baboo Grish Chunder Mitter, Uncovenanted Assistant to the Commissioner of Chota Nagpore, for one month, under paragraph 16 of the Uncovenanted Service Absentee Rules, from the date on which he may avail himself of the leave.

Baboo Lakhikant Roy, Deputy Magistrate and Deputy Collector of Cox's Bazar, for two months, under the orders of the Right Hon'ble the Secretary of State for India, dated 8th November 1865, from the date on which he may be relieved of the charge of the Sub-Division.

Lieutenant R. P. Davis, Officiating District Superintendent of Police, Howrah, for seventeen days, preparatory to proceeding to Europe on Medical leave.

Mr. J. A. Floyd, Officiating District Superintendent of Police, Gawalparah, for two months,

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from the 4th ultimo, under the orders of the Right Hon'ble the Secretary of State for India, dated 8th November 1865.

Mr. T. J. Maltby, District Superintendent of Police, Backergunge, for one month, under paragraph 16 of the Uncovenanted Service Absentee Rules, from the date on which he may avail himself of the leave.

Dr. R. O'Connor, Medical Officer of Nowgong, for one month, from the 14th ultimo, under paragraph 16 of the Uncovenanted Service Absentee Rules. Dr. Imthurn, Medical Officer of Durrung, will take temporary charge of the Civil Station of Nowgong, during Dr. O'Connor's absence.

NOTIFICATIONS.

The 9th November 1866.—The services of Baboo Kalidas Palit, Deputy Collector of Hazareebaugh, are placed at the disposal of the Board of Revenue for employment, in connection with the Ramghur Estate. This cancels the leave granted to Baboo Kalidas Palit, under orders of the 12th ultimo.

The leave granted to Mr. F. J. R. Walker, Deputy Magistrate and Deputy Collector of Serajgunge, under orders of the 20th September last, is cancelled at his own request.

Captain A. E. Campbell, Officiating Deputy Commissioner of Gowaiparah, having resumed his duties on the 9th ultimo, the unexpired portion of the leave granted to him, under orders of the 3rd idem, is cancelled.

Mr. C. T. Metcalfe, c. s., having reported his return by the Steamer *Golconda*, which reached the Sandheads on the 29th ultimo, the unexpired portion of his leave is cancelled.

The following Orders issued by the Government of India, in the Home Department, are re-published for general information :—

No. 6001.—*Simla, the 31st October 1866*—*Notifications*.—The following statement of the number of furloughs available in the season 1866-67 for the members of the Bengal Civil Service is published for general information :—

Number of Servants absent on furlough on this date	...	53
Deduct Lapses by expiry and death	...	11
		42
Furloughs available	...	14
Total (being 10 per cent. of the whole number of Civil Servants on the Bengal Establishment)		56

1. Richard Gwatkin Melvill	For three years.	Furloughs have been allotted to nine applicants as per margin.
2. Daniel James McNeile		
3. James Simson		
4. Alexander John Lawrence		
5. William Charles Turner	For two years.	
6. Edward Stanley Robertson		
7. Henry Anthony Harrison		
8. Edward Waterfield	For one and a half years.	
9. Nathaniel Stuart Alexander	For one year.	

Names of Furlough holders. Date of expiry.

1. Richard Henry Clifford	10th Dec. 1866.	Five furloughs remain unassigned and twelve more will lapse between the 1st proximo and the 31st October next, as noted in the margin.
2. Auckland Colvin	4th March 1867.	
3. Andrew Chad. Bernard	10th " "	
4. William John Rivett-Carnes	11th " "	
5. Alexander Wood Russell	4th April " "	
6. Archdale Villiers Palmer	13th " "	
7. Frederick Russell Hogg	14th " "	
8. Charles Grant	14th " "	
9. David Simpson	23rd May " "	
10. William Blunt	16th June " "	
11. George Henry Maxwell	24th July " "	
12. Archibald Adam Swinton	10th October " "	

No. 469.—*Fort William, the 6th November 1866*.—The services of the Reverend A. O. Hardy, Junior Chaplain, are placed at the disposal of the Government of Bengal, for employment in Calcutta as Officiating Chaplain of St. Paul's.

The following Orders issued by the Government of India, in the Financial Department, are re-published for general information :—

No. 3031.—*Simla, the 29th October 1866*.—*Notifications*.—Read the following Despatch from the Right Hon'ble the Secretary of State for India :—

FINANCIAL.

INDIA OFFICE;

No. 174.

London, the 31st July 1866.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have considered in Council your Financial letter dated the 7th March last, No. 62, requesting, with reference to the Financial Despatch dated the 23rd December last, No. 290, to be furnished with further instructions as to the conditions under which Native Judges are to be admitted to pensions, both as regards present incumbents and Officers who may be appointed hereafter.

2. In regard to certain present incumbents, you observe that they entered the service in the belief that they would be entitled to pensions under the old rules, viz., to a pension equal to one-third salary after 15 years' service, and equal to one-half after 22 years' service, when certified to be unfit for further duty.

3. It was not understood that the exceptional advantages granted by the old Uncovenanted Service Pension Rules to "Native Judges" extended to Native Judicial Officers of other grades.

4. So far as relates to any Native Judges now in the service, who can be considered entitled to benefits granted by the old rules to Officers of that class, I am willing that they shall still be considered eligible to the pensions allowed by those rules; but, with reference to all future appointments, I see no ground for making a distinction between Native Judges and the general body of Uncovenanted Servants, for whom the new rules make liberal provision.

5. You will communicate this decision to the Governments of Madras and Bombay.

I have, &c.,

(Signed) CRANBORNE.

Ordered, that a copy of the Despatch be published in the *Gazette of India* for general information.

Also, that a copy be furnished separately to the Home and Foreign Departments, the various Local Governments and Administrations, the Comptroller General of Accounts and the Local Officers of Account in the Civil Department.

No. 3209.—*The 2nd November 1866*.—The following rule, which is applicable to Officers in the Civil and Political Departments, is published by order of the Governor General of India in Council :—

An order which grants leave of absence to a public Officer without specifying the date from which the leave is to commence, will be current for one month from the date of its receipt by the Officer concerned.

E. H. LUSHINGTON,

Secy. to the Govt. of India.

No. 1875.—*Fort William, the 6th November 1866*.—Mr. H. D. Sandeman received charge of his Office of Accountant-General, Bengal, from Mr. W. Clark, on the forenoon of the 2nd instant.

The following Orders issued by the Government of India, in the Military Department, are re-published for general information :—

No. 917.—*Simla, the 31st October 1866*.—The services of Lieutenant M. O. Boyd, of the General List, Infantry, 2nd Wing Subaltern, 6th Regiment of Native Infantry, are placed at the disposal of the Government of Bengal.

No. 919.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Surgeon William Burns Beaton, M. D., } For six months, of the Medical Department, Civil } under the new Regulations.

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NOTIFICATION.

The 5th November 1866.—Nilkunt Rai, son of Gour Persad Rai, late Record-keeper in the Office of the Magistrate of Pooree, having been convicted of preparing a forged power of attorney and of attempting to procure its attestation by the Deputy Magistrate of Pooree, and having been sentenced to five years' rigorous imprisonment, is hereby declared incapable of again serving Government in any capacity.

NOTIFICATION.

The 13th November 1866.—It is hereby notified that, with the sanction of the Government of India, the Lieutenant-Governor has been pleased to abolish the Sub-Division of North Cachar, in Aesam, and to constitute a separate district, consisting of that part of the district of Nowgong which lies on the right bank of the River Dhunseeri, the Naga Hills and the country on both banks of the River Doyeng.

The name of the district will, for the present, be the Naga Hills, and its Head-Quarters will be at Samoogrooting. It will be administered by a Deputy Commissioner, under the control of the Commissioner of Assam.

A. EDEN,

Secy. to the Govt. of Bengal.

Public Works Department,—Bengal.

AGRICULTURAL.

No. 253.

The 18th October 1866.

The following draft Rules having reference to the Kendrapara Canal and the First Section of the "High Level Canal" from Cuttaek to Ooloo-barriah, are hereby published under the provisions of Section XI. of the "Canals" Act, 1864." (No. V., B. L. C.):—

I. Every vessel on entering either of the above Canals shall be liable to measurement for the purpose of ascertaining the amount of toll the vessel should pay, according to the schedule of rates authorized by Government to be charged on the Canal.

II. The tonnage of every vessel, whether laden or empty, shall, for the purposes of the "Canals" Act, 1864," and of these Rules, be determined by the following measurements:—

(a.) The product of half the length of the vessel from stem to stern measured along the water line, multiplied by the interior greatest breadth of the vessel, multiplied by the depth from the water line to the bottom of the vessel, is to be taken as the number of maunds upon which toll shall be levied.

(b.) The measurement of the length is to be made in feet, rejecting inches, and the measurement of the breadth and depth in feet and quarters of feet, rejecting portions of less than a quarter of a foot.

(c.) In calculating the amount of toll to be levied on vessels exceeding 100 maunds tonnage, any fraction of 100 maunds less than 25 maunds

is to be omitted; exceeding 25 and not exceeding 50 maunds, is to be charged as 25 maunds only; exceeding 50 and not exceeding 75 maunds to be charged as 50 maunds only; and exceeding 75 maunds, as 75 maunds only. Above one thousand maunds no fraction of 100 maunds tonnage is to be charged. Toll will be charged on vessels under 100 maunds tonnage on the actual measurements of the vessels, omitting fractions of tens of maunds.

III. Every vessel entering either of the above Canals shall be furnished with a ticket on paying the prescribed toll. The ticket shall specify the station at which it has been issued, the name of the person in charge of the vessel, the date the vessel entered the Canal, the point to which it may proceed in the Canal, the maundage of the vessel, the amount of toll charged, and the number of days for which the vessel may remain in the Canal, and the date of such last day. The number of days which the vessel may remain in the Canal without additional payment, shall be calculated at the rate of one day for every 8 miles, for portion of 8 miles, to be traversed.

IV. Toll may be paid at the first station either for the entire number of Toll Stations on the line of navigation, or for any less number of stations.

V. The tickets thus given may be demanded for inspection by any duly authorized Canal Officer, and must be kept on board and at hand for that purpose. They must be shewn at each Toll Station the vessel has to pass, as a passport that no further payment of toll is to be demanded. The tickets shall be delivered up at the last Toll Station.

VI. Owners of vessels may compound by the payment of a fixed sum, for the use of the whole or a portion of either of the above Canals for any period that may be agreed upon, not exceeding one year. Each vessel so compounded for shall be furnished with a ticket shewing the amount of toll paid, the period for which the toll has been compounded for, and the limits of the Canal within which the vessel may pass; such ticket shall be kept on board the vessel and shall be produced when required under Rule V., but shall be given up only on the date of the expiry of the period for which granted, and at the station from whence issued.

VII. Duplicates of lost tickets, of which the numbers and the dates of entry can be satisfactorily established will be granted by Officers in charge of Toll Stations on payment of a fee of one Rupee.

VIII. Vessels remaining in the Canals for a period exceeding that allowed under Rule III. will pay a demurrage of eight annas per 100 maunds per diem for each day or part of a day that they may remain in excess.

IX. No boats above 18 feet beam over all, and no rafts or floats of more than 10 feet width and 150 in length, will be allowed to enter the Canals.

X. It will not be compulsory for the locks to be opened to single vessels of less than 500 maunds burden, except in the case of mail or despatch boats; but the locks shall be opened for the passage of boats at least twice a day.

XI. Vessels must have their masts fitted so that they can be let down with ease and speed, and when under sail, vessels must always keep in the middle of the Canal; when being tracked, vessels are, as far as practicable, to keep to their port or left side of the Canals.

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XII. All vessels anchoring at night are to keep to their port or left bank of the Canals.

XIII. Only one vessel shall be allowed to make fast along and in a line with the Canal banks, and no vessel shall be made fast, or be placed outside of vessels so secured, without the permission of a Canal Officer. No vessel shall, however, be placed in such a position as to endanger the safety of other vessels, to obstruct their passage, or to impede the navigation: and no bamboos or poles shall be allowed to be erected on vessels when at anchor. Any infringement of this rule will be punishable by a fine not exceeding Rupees 5 for each offence.

XIV. Every vessel when put to shall be securely fastened, and shall at all times have some person in attendance on board of it. Any infringement of this rule will be punishable by a fine not exceeding Rupees 5 for each offence.

XV. In every case of wreck or obstruction of the channel by sunken vessels, the Canal Officers may call upon the person in charge of the vessel to remove the same without delay, and shall give every reasonable assistance towards so doing. But should the owner of the vessel or raft be not forthcoming, or should he not use reasonable expedition in removing the obstruction, or should he decline or fail to use proper assistance which may be offered to him by the Canal Officers, these Officers may undertake the removal of the obstruction themselves at the cost of the owner of the boat, recovering the expense in the manner laid down in Section IX. of the "Canals' Act, 1864."

XVI. If the Canal Officers be unable to ascertain the name and place of business or of abode of the owner of the cargo of any vessel or boat seized under the Canals' Act, he shall notify the seizure in the most public manner available.

XVII. In the event of any damage or injury being occasioned to the Canal works by wilfulness or negligence on the part of any person in charge of a vessel, the Canal Officers may detain the vessel within the Canal for a period not exceeding 24 hours, provided that within that period the Canal Officers shall lodge a complaint against such person in charge of the vessel before a Magistrate under Section XVI. of the Canals' Act.

XVIII. The banks or berms of the Canals shall not be used as wharves for the deposit of goods, under a penalty of 10 Rupees for each offence; but except in special cases, when the permission of the Canal Officers will be necessary, all articles shall be removed to the outer banks of the Canals, and all such articles as shall not be finally removed from within the boundaries of the Canals within a period of six days after being so deposited, shall be liable to a charge of four annas per 100 maunds.

XIX. The Canals may be closed once a year, for effecting the necessary repairs to them, on one month's notice of the intention so to close them; but in the event of any sudden emergency, the Canals may be closed at any time without prior notice, and no claim shall be made in such case by owners of vessels or others for compensation on account of detention.

XX. All offences against the provisions of these Rules shall be punishable as provided for in Section XVIII. of the "Canals' Act, 1864," and all fines imposed may be recovered in the manner mentioned in Section XVII. of the same Act.

XXI. The term "Canal Officers" in the foregoing Rules shall include the persons alluded to in Section VIII. of the "Canals' Act, 1864," and any other persons who may be specially appointed to exercise such powers by the person appointed to collect the tolls.

ESTABLISHMENTS.

No. 263.

The 29th October 1866.

Notification.—Private J. Willing, Probationary Overseer, First Grade, joined* the Midnapore Division on the 12th September 1866, before noon.

* Notification by the Bengal Government, Public Works Department, No. 290 of the 30th October 1866.

No. 264.

Appointment.—The following Divisional Accountants, Fourth Grade, on probation, attached to the Divisions specified opposite to their names, are permanently appointed to that Grade, from the 1st September 1866, the date on which they passed the prescribed examination

Bose, Baboo Harran Chunder, Garrison Engineer's Department, Fort William.

Sen, Baboo Nundololl, 24-Pergunnahs' Division.

Chatterjee, Baboo Bhoobun Mohun, First Division, Grand Trunk Road.

Bhuttacharjee, Baboo Mohendronath, Berhampore Division.

Paul, Baboo Dwarkynath, Rajshahye Division.

Simlye, Baboo Chundernath, Second Division, Grand Trunk Road.

Sircar, Baboo Ramcomul, Midnapore Division.

Day, Baboo Nilmadhub, Hidgellie Division.

Sircar, Baboo Cally Comul, Mahanuddy Division.

Chowdry, Baboo Gopal Gobind, Chittagong Division.

Bose, Baboo Mohes Chunder, Dinapore Division.

Ghose, Baboo Sreenauth, Cuttack Division.

Mitter, Baboo Shusty Churn, Pooree Division.

Boroah, Baboo Shushidhur, Upper Assam Division.

LOCAL.

Chatterjee, Baboo Womes Chunder, Circular and Eastern Canals' Division.

No. 265.

The 31st October 1866.

Erratum.—In the 2nd paragraph of the Notification from this Department, No. 244 of the 12th October 1866, for 16th September read 25th September.

No. 266.

The 1st November 1866.

Notification.—Captain G. N. Kelsall, B. E., Executive Engineer, Fourth Grade, attached to the Presidency Division, was declared by the Board of Examiners, Fort William, to have passed in the higher standard in Hindoostani on the 8th October 1866.

No. 267.

The 2nd November 1866.

Transfer.—Mr. J. D. Beglar, Assistant Engineer, Third Grade, on probation, from the Patna Branch Road to the Burrakur Division.

No. 268.

Notification by the Bengal Government, Public Works Department, No. 242 of the 10th October 1866.

Postings.—Mr. E. W. Clementson, Assistant Engineer, First Grade, is posted* to the Tumlook Division.

No. 269.

* Notification by the Bengal Government, Public Works Department, No. 243 of the 11th October 1866.

Mr. J. Smart, Apprentice, Engineer Establishment, is posted* to the Cuttack Division.

No. 270.

Notification.—Private J. Nelson, Probationary Overseer, First Grade, joined* the Upper Assam Division on the 2nd October 1866 before noon.

No. 271.

Private J. Allan, Probationary Overseer, First Grade, joined* the Lower Assam Division on the 26th September 1866 before noon.

No. 272.

* Notification by the Bengal Government, Public Works Department, No. 216 of the 7th September 1866.

The transfer* of Baboo Gunnesham Banerjee from the Mohanuddy to the Cuttack Division is cancelled.

No. 273.

The 5th November 1866.

Notification.—Lieutenant Colonel W. D. A. R. Short, R. E., Superintending Engineer, (First Class, First Grade,) Presidency Circle, resumed charge of that Circle on the 3rd November 1866, before noon.

No. 274.

The 9th November 1866.

Leave of absence.—Mr. H. O. Lange, Supervisor, First Grade, attached to the Balasore Division, for two months, on Medical Certificate, under Sections 11 and 20, Rule I., of Uncovenanted Service Absentee Regulations.

No. 275.

Transfers.—Sub-Conductor W. J. Herdman, Supervisor, First Grade, from the Balasore Division to the Behar Circle.

No. 276.

Mr. H. M. Dalton, Accountant, Third Grade, from the Darjeeling Division to the Central Office of Account, Bengal.

Mr. Dalton joined the Central Office on the 27th October 1866, after noon.

No. 277.

Notification.—Mr. J. M. Broderick, Accountant, Third Grade, joined the Central Office of Account, Bengal, on the 29th October 1866, before noon.

No. 278.

The 10th November 1866.

Transfer.—Mr. J. O'Flaherty, Executive Engineer, (First Grade,) Circular and Eastern Canals' Division, is transferred from the Imperial to the Local Establishment under provisions of Clause 2, paragraph 5, Section IV., Chapter I. of the Public Works' Code, with effect from the 1st October 1866.

No. 279.

Promotions.—The Lieutenant-Governor has been pleased to make the following promotions in the Engineer, and Upper Subordinate Establishments, with effect from the 1st October 1866.

To be Executive Engineer, First Grade.

Swayne, Major J. D., R. E., Executive Engineer, Second Grade, Midnapore Division.

To be Executive Engineer, Second Grade.

Davies, Major F. J., 58th Native Infantry, Executive Engineer, Third Grade, Upper Assam Division.

Macrone, Mr. W. B., Executive Engineer, Third Grade, Officiating Assistant to Chief Engineer, Bengal, and Officiating Assistant Secretary in this Department.

Judge, Lieutenant C. N., R. E., Executive Engineer, Third Grade, Barrackpore Division.

To be Executive Engineer, Fourth Grade.

Crichton, Lieutenant H. McV., R. E., Assistant Engineer, First Grade, Officiating Executive Engineer, 24-Pergunnahs' Division.

To be Assistant Engineer, First Grade.

Douzelle, Mr. T. A., Assistant Engineer, Second Grade, Dacca Division.

To be Supervisors, First Grade.

Caldwell, Mr. J., Supervisor, Second Grade, Darjeeling Division.

Bhadoory, Baboo Brijololl, Supervisor, Second Grade, Garrison Engineer's Department, Fort William.

Biswas, Baboo Hem Chunder, Supervisor, Second Grade, Circular and Eastern Canals' Division.

To be Supervisors, Second Grade.

Crane, Sergeant, H. P., Overseer, First Grade, Pooree Division.

Mullick, Baboo Shib Chunder, Overseer, First Grade, Balasore Division.

Banerjee, Baboo Shum Chand, Overseer, First Grade, Chittagong Division.

Deb, Baboo Banyanto, Overseer, First Grade, Berhampore Division.

No. 280.

The 11th November 1866.

Notifications.—Mr. A. G. Crommelin, Officiating Superintending Engineer, Cuttack Circle, resumed charge of that Circle on the 3rd November 1866, before noon.

No. 281.

Mr. H. Leonard, Superintending Engineer, First Class, Second Grade, assumed charge

Notification by the Bengal Government, Public Works Department, No. 239 of the 4th October 1866.

of the Office of Engineer to the River Trust under the Justices of the Peace, for the Town of Calcutta, on the 2nd November 1866, after-noon.

No. 282.

The following Officers, of the Engineer Establishment, were declared by the Board of Examiners, Fort William, to have passed in the Higher Standard in Hindoostani on the 5th November 1866.

Mr. J. C. Vertennes, Executive Engineer, (Fourth Grade,) Hedgellee Division.

Mr. E. Mansfield, Assistant Engineer, First Grade, Second Division, Grand Trunk Road.

No. 283.

The following order issued by the Government of India, Public Works Department, is re-published for information:—

No. 293 of the 2nd November 1866.—The unexpired portion of the six months' leave of absence, on Medical Certificate, granted to Mr. J. Broderick, Accountant, Third Grade, in Notification No. 238 of the 7th September 1866, is cancelled from the date on which he may take up his duties in Bengal.

No. 284.

Transfer.—Baboo Jodonath Roy, Supervisor, First Grade, from the Garrison Engineers's Department, Fort William, to the Presidency Division.

No. 285.

Appointment.—Mr. J. Kelly, a passed Candidate, is appointed to the Upper Subordinate Establishment, as an Overseer, Second Grade, on probation, and posted to the Tunlook Division.

J. E. T. NICOLLS, *Lieut.-Col., R. E.,*
Offg. Secy. to the Govt. of Bengal,
P. W. D.

No. 1651.

Opium Notification.

Notice is hereby given that the Twelfth Sale of Opium, the provision of 1864-65, will be held at the Exchange Hall, on Wednesday, the 5th December 1866, at 11 A. M., and will comprize 3,370 Chests, viz.:—

Behar Opium	...	...	2,000
Benares "	...	...	1,370
Total Chests	...	...	3,370

2. The general Conditions of the Sale now advertised will be the same as usual: they may be ascertained by reference to the Notification issued on the 26th October 1865, and published in the *Government* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest date for deposit and clearance will be the 10th and 20th December, respectively, that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the Sale-room will be received after 4 M. P. of Monday, the 10th December 1866, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P. M. of Thursday, the 20th December 1866.

By Order of the Board of Revenue, L. P.,
R. L. MANGLES,
Offg. Junior Secretary.

FORT WILLIAM,
The 2nd November 1866.

Notice.

A NEW Edition of the Map of DISTRICT NUDDEA, shewing Village boundaries, Scale 1 Mile=1 Inch, in 8 Sections, with a small Index, is now ready for issue.

Applications for the Maps, *bond fide* on the Public Service, to be addressed to the Registrar, Surveyor-General's Office, Calcutta.

For private use, on payment, the Map can be obtained from all Booksellers, and the "School Book Society," Calcutta, at the following rates:—

Uncolored and Unmounted.	On thick paper, the Map complete			
	in 8 Sections with Index	Rs.	8	0 0
	Or each Section separate	Rs.	2	0 0
	On thin paper, the Map complete			
	in 8 Sections with Index	Rs.	6	0 0
	Or each Section separate	Rs.	1	8 0

N. B.—Parties requiring the Map, Colored and Mounted, must pay extra for the same.

J. E. GASTRELL, *Lieut.-Col.,*
Offg. Depy. Surveyor-General of India.

Notice.

BABOO JUGGOMOHUN ROY, Deputy Collector, has been put in charge of the Balasore Treasury, and authorized to draw Bills on other Treasuries from the 30th October 1866.

J. H. RAVENSHAW,
Offg. Commissioner.

COMM'R.'S OFFICE; }
Cuttack Division, }
The 3rd November 1866. }

Notice.

BABOO MOTHGOORANATH BANERJEE, Deputy Collector, has been placed in charge of the Rajshahye Treasury, and authorized to draw Bills on other Treasuries.

C. H. CAMPBELL,
Commissioner.

COMM'R.'S OFFICE, RAJ. DIVN.; }
Berhampore, }
The 13th October 1866. }

Notification.

THE Chota Nagpore Annual Fair for 1867, to be held at Chootea, near Ranohee, in Chota Nagpore, will commence on the 19th February 1867, and last for a fortnight.

E. T. DALTON, *Lieut.-Col.,*
Commr. of Chota Nagpore

[1969]

RETAIL PRICES OF FOOD AS REPORTED TO THE BOARD OF REVENUE, L. P.,
DURING THE WEEK ENDING THE 10TH NOVEMBER 1866.

Number of Seers of 80 Tolahs weight retailed for a Rupee.

AT	Date of Return from each District.	CLEANED RICE IN ORDINARY USE.			PULSES IN ORDINARY USE.			WHEAT.		ATTAR.		JANERA, JOWAR AND SUCH GRAINS.	
		Dearest sort.	Cheapest sort.		Dearest sort.	Cheapest sort.		Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.
			Ordinary price at this Season.	Present price.		Ordinary price at this Season.	Present price.						

Districts in which the prices are same or nearly the same.

Durrung	29th Oct. 1866	7	32	11	11½	20	12	...	...	...	...	...	...
Beerbhoom	3rd Nov. 1866	8	26	8½	6	24	9	21	8	15	6½	...	...
Calcutta	12th "	6½	16	9½	9	20	12½	4	10½	7	6½	...	...

Districts in which all or most articles are dearer.

Singhbhoom	29th Oct. 1866	7	40	16	8	24	16	16	5	12	3½	...	...
Cuttack	5th Nov. 1866	7½	32	8½	6	24	7	32	6½	22	4	...	12
Dacca	5th "	9	25	13	10	13	11	9	8	6	5	...	...
Boonderbhums	29th Nov. 1866	10	22	11	15	32	17	...	...	...	...	...	...
24-Pergunnahs	5th "	7½	13	8	5½	20	13½	13	10	8	6½	...	...
Sarun	3rd "	7½	20	13	9½	21	12	20	12	19	9½	31	22½
Boota Doora-Mynagoorie	2nd "	8	16	8	4	8	4	...	...	5	4	...	...

Districts in which all or most articles are cheaper.

Gowalparah	20th Oct. 1866	8½	15½	10	7½	12	11	22	9½	7½	5½	...	...
Nowgong	30th "	5	32	8	6	8	8	15	13	6½	4	...	...
Nya-Doomka	4th Nov. 1866	...	14	9	...	13	7	72	7	8	6	42	20
Midnapore	5th "	6½	16	13	12	16½	13	10	8	8	6½	...	...
Tipperah	4th "	10	41	20	8	40	16	20	8	12	4	...	...
Hazarcebaugh	5th "	6	...	15	8½	18	14½	12	7	10½	6	27	10½
Maunbhoom	5th "	5	26	20	8	30	13	8	8	5	5	20	8
Cachar	20th Oct. 1866	10½	16	11½	8	16	9	10	7	10½	4½	...	...
Furroodpore	5th Nov. 1866	9	20	10	16	26	16	16	11	...	...	...	...
Mymensing	4th "	11	20	13	6	10	7	16	8	9	6	...	...
Nuddea	5th "	8½	30	11½	9½	32	14½	16	9½	10½	5½	...	...
Patna	8th "	11	13	12	10	...	12	...	12½	10	10	...	22
Tirhoot	5th "	8	18	10	11½	18	13	19	10	14	9	30	20
Dinagopore	4th "	9	18	12	6½	17	10	23	8½	10	5½	...	...
Maldah	5th "	10	19	11	13	22	13½	17	10½	11	7	...	...
Moorshedabad	4th "	6½	16½	9½	8½	27½	11½	16½	9½	11	7	22	13½
Pubna	4th "	10	24	13½	7	32	10½	19½	9	9½	6	...	...

Districts in which some articles are dearer and some cheaper.

Coochya and Jynteah Hills	29th Oct. 1866	4	14	5	5	...	6	...	...	...	...	...	...
Seehaugor	29th "	8	18	10	4	16	9	20	9	8	3	...	...
Bhangulpore	4th Nov. 1866	10½	16½	10½	8½	17½	10½	16½	10½	12½	8½	41½	20½
Darjeeling	5th "	5	...	9	4	8	5½	...	...	4	4	20	14
Mouzyhr	5th "	8	17½	10	7	23½	10	10½	12	14½	0	31	20
Bajmehal	5th "	10	36	11½	8	17	9	20	9	16	7	...	16
Bancoorah	3rd "	5½	17½	13½	9½	18½	10½	11½	9	9	7½	20	5
Burdwan	4th "	8½	21½	12	10	20½	11½	11	10½	10	7½	...	...
Hooghly	5th "	6	11	8½	9½	16	10½	11	9½	7½	6	10½	10
Chittagong	29th Oct. 1866	11	17	14	6	17	12	12	12	9	9	...	...
Lohardugga	3rd Nov. 1866	10	32	20	6	19	10	24	6½	16	4½	...	...
Balacore	5th "	6	30	12	6½	16	10	16	6½	10	5	...	...
Pooree	29th Oct. 1866	6½	25	7½	4½	12½	5½	12	5½	10	4½	32½	8
Backergunge	27th "	7	16	8	7	20	12	10	7½	8	5	...	...
Sylhet	29th "	7	50	14	7½	50	12	14	8	12	5½	...	...
Jessore	5th Nov. 1866	5	17	12½	10½	32	10½	21	8	10½	5½	...	...
Gya	5th "	10	27	10½	8	18	8½	28	9½	22	8½	50	16
Chumprana	27th Oct. 1866	6½	24	17	7½	24	8	28	9	17	7½	50	21
Shahabad	5th Nov. 1866	7½	24	14½	10	24	10½	23	13½	18	11	30	20
Bograh	5th "	8½	30	12	6	27½	8½	15	11	8	6	60	22
Rajshahye	31st Oct. 1866	...	10½	0½	...	21	9½	15	10	10	6½	...	...
Bungpore	5th Nov. 1866	8	16	10½	5½	20	10½	10	8	8	5½	...	...

PUBLISHED for general information.

By Order of the Board of Revenue, L. P.,

PORT WILLIAM,
The 13th November 1866. }

T. BRUCE LANE,
Secretary.

[1970]

NOTICE.

List of unclaimed Packages lying on the Custom House Wharf.

Date of Landing.	Mark or Address of Packages.	Ships.
1866, Sept. 26th ..	1 Case, Dr. F. Hotton, H. M's. 77th Regiment, Bareilly, care of Thompson, Shaw and Co. ...	Str. Simla.
1866, Oct. 11th ..	1 Case, Colonel Fisher, H. M. N. I., care of Borradaile and Co., 3, Fairlie Place, Calcutta, India ...	Str. Nubia.
" 11th ...	1 Case, Lieutenant G. B. Bird, care of the Brigade-Major, Jullundur, Punjab ...	Ditto.
Nov. 1st ...	1 Parcel, Adjutant Duncan, E. Pitcher, 21st Hussars, Umballa, Punjab, East Indies ...	Str. Golconda.
" 1st ...	1 Case, Colonel Moir, R. H. A., care of Colvin, Cowie and Co., Calcutta ...	Ditto.
" 1st ...	1 Case, Dr. Coates, H. M. E. I. S., Cuttack, Colvin, Cowie and Co., Calcutta ...	Ditto.
" 1st ...	1 Case, Assistant Surgeon J. Munday, 21st Hussars, Umballa, Calcutta ...	Ditto.
" 1st ...	1 Box, Hon'ble George Loch, Judge of the High Court, Calcutta ...	Ditto.
" 1st ...	1 Case, Cornet Leslie T. Bishop, 7th Dragoon Guards, J. H. Fergusson and Co. ...	Ditto.
Aug. 23rd ...	5 Cases, G C D ...	W. H. Haselden.
" 23rd ...	1 Case, [M A] ...	Ditto.
Sept. 5th ...	1 Case, J. R. and Co. ...	Roxburgh Castle.
" 7th ...	1 Case, [G C D] ...	Ditto.
" 18th ...	2 Cases, [S. D. and Co.] C and B ...	Ditto.
Aug. 27th ...	15 Packages, D G D ...	Pride of Canada.
July 11th ...	6 Cases, [M L S P] ...	Str. Nubia.
Aug. 11th ...	1 Parcel, Gladstone, Wyllie and Co. ...	Str. Golconda.
" 29th ...	1 Case, T. A. Maltby, Esq., care of Messrs. J. H. Smith and Co., 36, Dhurruntollah Street ...	Aurifera.
" 3rd ...	1 Case, L. Sparks, Esq., Colvin, Cowie and Co. ...	King Arthur.
" 25th ...	1 Parcel, Aga Syed Abdool Rusool ...	Str. Arratoon Apear.
June 29th ...	16 half Barrels Gunpowder in Moyapore Magazine (M) ...	Henry Reed.
April 3rd ...	8 Quarter Boxes Gunpowder in Moyapore Magazine [N V N and Sons] ...	Ganges.
" 3rd ...	2 half Barrels Gunpowder in Moyapore Magazine, J H and S ...	Ditto.

CALCUTTA CUSTOMS,
The 13th November 1866. }

J. P. GRANT,
Deputy Collector of Customs.

NOTICE.

THE undermentioned Packages, if not cleared on or before the dates specified against each item, will be sold for the realization of Duty, Wharfage, &c., under Section LVII. of Act VI. of 1863:—

Date of Landing.	Mark or Address of Packages.	Ships.
1866, Nov. 17th ..	11 Cases, [N. V. N. and Sons] L S ...	Str. Lightning.
" 17th ...	1 Case, [S. D. and Co., P] ...	Ditto.
" 17th ...	2 Parcels, V B D B ...	Ditto.
" 17th ...	1 Case, [R M C] ...	Horsa.
" 17th ...	29 Cases, [N. V. N. and Sons] ...	Ditto.
" 17th ...	1 Case, G. Ross, Esq., Messrs. G. Wyllie and Co., Calcutta ...	City of Vienna.
" 17th ...	1 Case, C. H. Alston (defaced) ...	Ditto.
" 17th ...	1 Case, F. G. Cockburn, Esq. ...	Ditto.
" 17th ...	1 Parcel, [F] H ...	Ditto.
" 17th ...	1 Parcel, [JE] C ...	Ditto.
" 17th ...	24 Cases, [555] D. and Co. ...	Oriana.
" 17th ...	3 Cases, [M] ...	Ditto.

CALCUTTA CUSTOMS,
21st 1866, November 1866. }

J. P. GRANT,
Deputy Collector of Customs.

[1971]

NOTICE.

The undermentioned Packages, landed under Section LII. of Act VI. of 1863, if not cleared on or before the dates specified against each item, they will be sold for the realization of Duty, Wharfage, &c., under Section LVI. of Act VI. of 1863 :—

Date of Landing.	Mark or Address of Packages.	Ships.
1866, Nov. 19th ...	407 Casks, [B] and S [oo] W	... Hengist.
" 24th ...	8 Cases, [B M H P]	... Sydney Dacres.
" 24th ...	1 Case, M S	... Ditto.
" 24th ...	6 Cases, R J T	... Ditto.

CALCUTTA CUSTOMS, }
The 13th November 1866.

J. P. GRANT,
Deputy Collector of Customs.

NOTICE.

The following Packages have been landed at the Custom House from the undermentioned Ships under the provisions of Section 52 of Act VI. of 1863. If the Goods are not cleared before the dates stated against each item, they will be advertized for sale :—

	<i>Lightning.</i>	
1866, Nov. 26th ..	[N. V. N. and Sons] 25 Cases.	
	<i>City of Shanghai.</i>	
1866, Dec. 6th ..	Dr. Murray Thomson, Thomason College, Roorkee, N. W. P., care of Mr. Fergusson, 1 Case ...	
	<i>British Prince.</i>	
1866, Dec. 20th ...	[B C B P] 1 Case	... D C G, 7 Packages
" 20th ...	[C] J. K. H. and Co. 12 Cases.	... [M A] A, 1 Cask
" 20th ...	L M C, 2 Packages	... Mr. F. Moran, Esq., Calcutta, 1 Case.
" 20th ...	B R D, 1 Case	... F and H, 2 Cases
	<i>Robert Pulsford.</i>	
1866, Dec. 13th ...	[F. and Co.] 1 Case.	
	<i>Roxburgh Castle.</i>	
1866, Dec. 22nd ...	R. Banks, Esq., Engineer's Office, E. I. Railway, Calcutta, 1 Case	... [R M] C and B, 3 Cases
" 22nd ...	[C. S. D. and Co.] 2 Cases.	[B C C] C and B, 1 Case.
	<i>British Monarch.</i>	
1867, Jan. 11th ...	[N] 2 Cases	... [19] A. B. & Co., 8 Bales
" 11th ...	[20] P. and Co., 1 Half Hogshhead.	D. G. & Co., 1 Parcel.
	<i>Patrician.</i>	
1867, Jan. 22nd ...	[C A E] 14 Cases.	
	<i>City of Lahore.</i>	
1867, Jan. 10th ..	[C L N R] 1 Case	... C D N, 16 Casks.
	<i>Ghazee-pore.</i>	
1867, Jan. 11th ...	D C D, 3 Cases	... [O] and Co., 42 Packages

CALCUTTA CUSTOMS, }
The 13th November 1866.

J. P. GRANT,
Deputy Collector of Customs.

Nuddea Rivers Division.

UPWARD MONTHLY STATEMENT of Traffic passed through the Toll Stations of Jungpore, Nuddea and Kishengunge, in the Month of October 1886.

NAMES OF RIVERS.	NAMES OF TOLL OFFICERS.	Charcoal.	Coal.	Piece Goods, Native Produce.		Piece Goods, Imported Fabrics.		Hides.	Cotton.	Castor Seed.	Castor Oil.	Jaggery.	Jute.	Gunny Bags.	Lime.	Limestone or Gneiss.	Grain.																																																																																																																																																																																																																																																																																																																																																																																				
		Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	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Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.	Number of Boats.	Measurement by River by estimate.

[1972]

NAMES OF RIVERS.	NAMES OF TOLL OFFICERS.	Pulse.		Firewood.		Timbers.		Mustard Oil.		Sundry Oils.		Indigo.		Salt.		Sugar.		Tobacco.		Vegetables.		Sundries.		Remarks.	
		Number of Boats.	Measurement by River.	Number of Boats.	Measurement by River.	Number of Boats.	Measurement by River.	Number of Boats.	Measurement by River.	Number of Boats.	Measurement by River.	Number of Boats.	Measurement by River.	Number of Boats.	Measurement by River.	Number of Boats.	Measurement by River.	Number of Boats.	Measurement by River.	Number of Boats.	Measurement by River.	Number of Boats.	Measurement by River.		
Bangladesh	Jungpore	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Under the Head of GRAIN comes Rice, Wheat, Paddy, Oats, Barley, &c. and under the Head of PULSE, Grain, Kullie, Peas, Linseed, Lentile, Mustard Seed, &c., &c., are included.	
	Nuddea	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kishengunge	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
			
			

G. W. VIVIAN, G. E.,
Offg. Executive Engineer, Berhampore Division.

Berhampore,
14th November 1886.

Nuddea Rivers Division.

DOWNWARD MONTHLY STATEMENT of Traffic passed through the Toll Stations of Jungypore, Nuddea and Kishengunge, in the Month of October 1866.

NAMES OF RIVERS.	NAMES OF TOLL OFFICES.	Charcoal.		Coal.		Piece Goods, Native Produce.		Piece Goods, Imported Fabrics.		Hides.		Cotton.		Caster Seed.		Paving Stones.		Jaggery.		Jute.		Gunny Bags.		Lime.		Limestone or Ghooting.		Grain.										
		Number of Boats.	Mauddage by River Measurement.	Mauddage of Cargo by estimate.	Number of Boats.	Mauddage by River Measurement.	Mauddage of Cargo by estimate.	Number of Boats.	Mauddage by River Measurement.	Mauddage of Cargo by estimate.	Number of Boats.	Mauddage by River Measurement.	Mauddage of Cargo by estimate.	Number of Boats.	Mauddage by River Measurement.	Mauddage of Cargo by estimate.	Number of Boats.	Mauddage by River Measurement.	Mauddage of Cargo by estimate.	Number of Boats.	Mauddage by River Measurement.	Mauddage of Cargo by estimate.	Number of Boats.	Mauddage by River Measurement.	Mauddage of Cargo by estimate.	Number of Boats.	Mauddage by River Measurement.	Mauddage of Cargo by estimate.	Number of Boats.	Mauddage by River Measurement.	Mauddage of Cargo by estimate.							
Bhangiruttee...	Jungypore	...	1 175	50	...	2	125	22	1 75	15	0 250	1550	17	24100	9500	16 7475	3675	22	51840	2775	0	3520	1355	27	9125	2550	13	6325	2525	7	6200	3500	4	875	425	165	95700	43963
Jellinghee	Nuddea	...	...	...	...	86	55925	28275	...	...	4	1500	575	7	4125	1975	1	800	425	...	...	...	15	7475	3250	27	74025	31400	1	2400	1300	1	200	125	20	10375	4925
Matabangab	Kishengunge	...	...	...	...	...	...	...	...	...	1	175	510	1	125	25	...	...	...	...	3	725	240	50	55075	14526	1	840	10000	...	...	...	...	...	185	72325	30063

		Put se.		Firewood.		Timbers.		Mustard Oil.		Sondry Oils.		Indigo.		Salt.		Sugar.		Tobacco.		Vegetables.		Sundries.		REMARKS.							
NAMES OF RIVERS.	NAMES OF TOLL OFFICES.	Number of Boats.		Mauddage by River Measurement.		Mauddage of Cargo by estimate.		Number of Boats.		Number of Dockers and Chowdhers.		Number of Cade Batts.		Number of Boats.		Mauddage by River Measurement.		Mauddage of Cargo by estimate.		Number of Boats.		Mauddage by River Measurement.		Mauddage of Cargo by estimate.							
		Number of Boats.	Mauddage by River Measurement.	Number of Boats.	Mauddage by River Measurement.	Number of Boats.	Mauddage by River Measurement.	Number of Boats.	Mauddage by River Measurement.	Number of Boats.	Mauddage by River Measurement.	Number of Boats.	Mauddage by River Measurement.	Number of Boats.	Mauddage by River Measurement.	Number of Boats.	Mauddage by River Measurement.	Number of Boats.	Mauddage by River Measurement.	Number of Boats.	Mauddage by River Measurement.	Number of Boats.	Mauddage by River Measurement.	Number of Boats.	Mauddage by River Measurement.	Number of Boats.	Mauddage by River Measurement.	Number of Boats.	Mauddage by River Measurement.		
Bhaugiruttee	Jungypore	488	548600	268233	58	38350	19040	442	6343	1091	1	550	230	20	21625	10235	21	7775	3120	16	5750	2400	327	180125	87111	Under the Head of GRAIN comes Rice, Wheat, Paddy, Oats, Barley, &c., and under the Head of PULSE,--GRAM, KULLES, PEAS, LINSEED, Lentile, Mustard Seed, &c., &c., are included.
Jellinghee	Nuddea	55	33725	20450	16	8625	5375	59	1659	53	...	...	...	...	...	...	...	3	825	100	1	100	50	80	35775	15200	...	...	...	...
Matabangah	Kishengunge	33	10850	1502	...	...	6	160	12	1	100	30	...	...	...	...	...	1	1200	400	5	2575	900	14	245	880	72	2450	11205	...

Under the Head of GRAIN comes Rice, Wheat, Paddy, Oats, Barley, &c., and under the Head of PEASE—Gram, Kullie, Peas, Lentil, Mustard Seed, &c., &c., are included.

BERHAMPORE,
The 9th November 1866.

G. W. VIVIAN, C. E.,
Offg. Executive Engineer, Berhampore Division.

[1974]

Notice.

BABOO JUDONATH BOSE, B. A., Deputy Collector, has been placed in charge of the Chumparan Treasury, and authorized to draw Bills in other Treasuries from the 1st instant.

J. W. DALRYMPLE,
Commissioner.

PATNA COMM'R.'S OFFICE, }
The 5th November 1866. }

Notice.

MR. Deputy Collector H. DOVETON has been placed in charge of the Tirhoot Treasury, and authorized to draw Bills on other Treasuries.

J. W. DALRYMPLE,
Commissioner.

PATNA COMM'R.'S OFFICE, }
The 7th November 1866. }

Notice.

THE Cachar Mela will, as usual, be held at Silchar, commencing on Sunday, the 30th December 1866, corresponding with 16th Poush 1273, and continuing for as many days as considered necessary.

JOHN WARE EDGAR,

Officiating Deputy Commissioner.

CACHAR; }
Depy. Commr.'s Office,
The 28th September 1866. }

Notice.

THE Singhbhoon Annual Fair will be held at Chyebassa during the last fortnight in December 1866.

W. H. HAYES,
Deputy Commissioner of Singhbhoon.

CHYEBASSA, }
The 10th October 1866. }

No. 42.

Commissariat Notice.

THE Assistant Commissary General invites sealed Tenders for the supply of—

- | | | |
|----------------------------------|-----|--|
| 1. Cattle Gear | ... | } For one year,
from 1st February 1867. |
| 2. Barrack Bedding | .. | |
| 3. Hospital Clothing and Bedding | ... | |
| 4. Rice, Table, 1st quality. | .. | |
| 5. Sugar, moist, best, Benares | .. | |

Tenders will be received up to 2 P. M. of the 3rd December 1866, and opened at noon on the day following in this Office, where printed forms can be obtained.

G. S. MACBEAN, Major,
Asst. Comsy. General.

CALCUTTA; }
Commissariat Office,
No. 6, Park Street,
The 1st November 1866. }

Commissariat Notice.

No. 5.

SEALED Tenders will be received by the Commissariat Officers of Dinapore and Hazareebagh up to 4 P. M. of the 3rd December 1866 for the supply of the under-mentioned articles by contract for one year, commencing from 1st February 1867, and will be opened by them in their Offices on the following day at noon in presence of tendering parties who may choose to attend.

Parties desirous of tendering will be furnished with all particulars on application to the above Officers.

Rice, Sugar, Barrack Bedding, Hospital Clothing, and Cattle Gear.

H. MILLS, Major,
Offg. Dy. Asst. Comsy. General.
DINAPORE; }
Commissariat Office,
The 1st November 1866. }

Notice.

REQUIRED for the Darjeeling District a Treasurer, who will be required to furnish security to the amount of Rupees (10,000) ten thousand. Salary, Rupees 65 a month. Application to be made to the

DEPY. COMM'R., DARRJEEING.

DARJEELING, }
The 9th October 1866. }

[1975]

Wanted,

A HEAD Clerk for the Jessore Collectorate on a Salary of Rupees 80 per month. Intending candidates who do not possess a good knowledge of English and of the current duties of a Collector's Office need not apply. Applications to be forwarded to the undersigned with certificates of qualifications and character.

J. MONRO,
Offg. Collector.

JESSORE COLLECTORATE,
The 30th October 1866. }

Wanted,

A Translator and Head Assistant for the Judicial Department, Gowalparah. Salary, Rupees 90 per month.

Applications, forwarding testimonials, to be sent to the Deputy Commissioner, Gowalparah. A good knowledge of English and Bengallee indispensable.

A. E. CAMPBELL,
Deputy Commissioner.

GOWALPARAH,
The 13th October 1866. }

Wanted,

A SUPERINTENDENT in the Revenue Court of the Deputy Commissioner of Sibsagar, Assam. Salary, Rupees 150 per mensem.

H. SCONCE,
Depy. Commr.

DEPY. COMMR.'s OFFICE,
The 20th September 1866. }

Wanted,

A SUPERINTENDENT for the Civil and Criminal Courts of the Deputy Commissioner of Sibsagar, Assam. Salary, Rupees 150 a month.

H. SCONCE,
Depy. Commr.

DEPY. COMMR.'s OFFICE,
The 20th September 1866. }

Sheriff's Office, the 7th November 1866.

Notice is hereby given that the Ninth Criminal Sessions of the year 1866 of the High Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, will be holden at the Court House, in the Town Hall of Calcutta, on Monday, the Third day of December next, at 11 o'clock in the forenoon, and so on from day to day until the Sessions be over. And

it is hereby proclaimed that all persons who will prosecute any prisoner be then and there to prosecute against him.

S. A. APCAR,
Sheriff.

সরিক আফিস ১৮৬৬ সাল ৭ নবেম্বর ।

সমাচার দেওয়া যাইতেছে যে সুবে বাঙ্গালার কোর্ট উইলিএম দুর্গের অধীন শহর কলিকাতা ও অন্যান্য স্থানের কোজদারী বিচার নিষ্পত্ত জন্য আগামি ৩ ডিসেম্বর সোমবার বেলা ১১ ঘটিকার সময় এবং যে পর্যন্ত সেশিয়ানের কার্য শেষ না হয় প্রতিদিন উক্ত সময়ে কলিকাতার টৌনহালে হাই কোর্টের আদালত ঘরে সন ১৮৬৬ সালের নবম ক্রিমিনেল সেশিয়ান বসিবেক এবং এতদ্বারা প্রচার করা যাইতেছে যে যে সকল ব্যক্তি কোন কয়েদীর বিরুদ্ধে কোজদারী মিছিল করিবেক তাহারা উক্ত স্থানে ঐ সময়ে হাজির থাকিয়া মোকদ্দমা করে ইতি সন ১৮৬৬ সাল তারিখ ১০ অক্টোবর ।

S. A. APCAR,
Sheriff.

Notice,

Is hereby given that the Lot No. 33 of the unreserved building sites, situated at the Civil Station of Shillong, in the Cossyah and Jynteah Hills, containing about 2½ acres of first class land, as shewn in the plan thereof, having been applied for under the rules sanctioned in the Bengal Government Circular No. 3826 of the 18th November 1865, will be put up to sale by auction to the highest bidder at the upset price of Rupees 50 per acre, at the Office of the Deputy Commissioner of Cossyah and Jynteeah Hills, Shillong, on the 7th day of December 1866.

The manner and condition of the Sale can be ascertained by intending purchasers by application to the undersigned.

W. C. CLARKE,
Offg. Deputy Commissioner,
Cossyah and Jynteeah Hills.

DEPUTY COMMR.'s OFFICE;
Shillong,
The 30th October 1866. }

Sheriff's Sale ; Calcutta, the 19th September 1866.

NOTICE is hereby given that on Thursday, the Twenty-ninth day of November next, precisely at the hour of 12 o'clock at noon, the Sheriff of Calcutta will put up to public sale, at the premises lately known as the Insolvent Court premises, by virtue of a writ of *Pieri Facias* in his hands against the Effects of Sreemutty Gaetree Dabee.

The Right, Title, and Interest of the said Sreemutty Gaetree Dabee, of, in, and to the following landed property, viz. :—

Lor No. 1.—One Puttoonee Talook called Gopalpore, situated in the Suburbs of Santipore, butted and bounded in the manner following, that is to say, on the South by a public road which leads to East and West; on the West by a public road which leads to North and South; on the North by the house called Khurjolla House of Sreejoot Hurromohun Roy, and on the East by a mangoe garden of Hurromohun Roy and Sibchunder Roy, within these boundaries mentioned a garden called Khurjolla Garden which contains best mangoe and various other trees, boytackonna, pond, and surrounded by brick-built walls, lands, rent-free land, and rented land, about forty beegahs.

2. Also a village known by the name of Gopalpore, butted and bounded in manner following, that is to say, on the West by the public road which leads to North and South; on the North by the public road which leads to East and West; on the East by the house of Radharomun Paul, Chunder Poramanick, and Shibo Ghose, and on the South by the bamboo garden of Ramkristo Chuckerbutty and Nilcomul Chowdry, within these boundaries a garden called and known by the name of Bukshee Garden, which contains mangoe trees and tenants rent-free land, about five beegahs.

3. Also a piece or parcel of land called Bakda-beepore Maut, situate at Gopalpore, containing by estimation sixteen beegahs, together with a garden of the late Modhoooodun Roy, butted and bounded in manner following: on the North by a mangoe garden of the late Shibehunder Roy; on the East by a public road which leads to North and South; on the South by a pond, and on the West by the pond and one waste land of Ramchunder Bonnerjee.

4. Also a tenanted land of the late Gocoolchunder Thackoor, situate at Gopalpore, Burrobazar, containing by estimation twenty-two beegahs.

5. Also five annas and four pie share of certain tenanted land or village called by the name of Woomeschunder, otherwise called Notoon Gram, annual income Rupees ninety-one and eleven annas.

6. Also about ten beegahs of Mal Jomye land, together with a two-storied brick-built house surrounded by brick walls standing thereupon, and containing three appurtenants, situate in Gopalpore, included in the same Talook, and butted and bounded as follows, namely, on the West of the metalled road leading from North to South; on the South by the lane which is on the South by the house of Rajnarain Chatterjee and others; on the East of the lane which leads from North of the house of Ramdhone Mookerjee.

7. Also the four annas eight gundahs three cowries and five teel share of a tank called the tank with about twelve beegahs of land on which it stands, situate in Mouzah Gopalpore, included in the same Talook, and butted and bounded as follows, namely, on the West of the late Ramrutton Roy and Ramhurry Roy's Garden; on

the North of the waste lands, on the East of the Mal Jomye lands, and on the South by Madhub Kurmoker's Garden and Madhubhurry and others house.

8. Also a sugar factory and a one-storied house attached to it, together with Lackraj land, measuring about one beegah on which the buildings stand in Mouzah Ramnuggur, included in the above Talook, and butted and bounded as follows, namely, on the South Heeralall Chatterjee's house; on the East of the said Chatterjee's plain garden; on the West of the Government metalled road, and on the North of the road leading from East to West.

9. Also the brick-built house and brick wall on three sides purchased from Mr. Black, together with a piece of Lackraj land, measuring about one beegah, in Mouzah Ramnuggur, included in the said Talook, and butted and bounded as follows, namely, on the North of the Mirsaurun; on the East of the Government Road; on the West of the land and house of Biressur Gangooly and others, and on the South of Mutty Gunge.

10. Also the bazar called Mutty Gunge, together with ten cottahs of land on which it stands, situate in Mouzah Ramnuggur, included in the same Talook, and butted and bounded as follows: namely, on the South of the road leading East to West; on the West of the road which lies in the West of Bissessur Gangooly's house and lands; on the East of the Government metalled road, and on the North of the wall of the house purchased from Mr. Black.

11. Also the mangoe and other fruit gardens called Hayatee, together with Lackraj land, measuring about six beegahs of tenanted land in Mouzah Gopalpore, included in the same Talook, and butted and bounded as follows: on the South of the large mangoe garden of Hurrymohun Roy and others, and of the late Woomeschunder Roy's garden, named Khurjollah; on the East of the house of Pultoo Sheikh and Heeroo Sheikh, who are tenants of Mal land; on the North of the late Ramrutton Roy's Garden, named Mutter Veyah, and on the West of the late Woomeschunder Roy's Garden named Khurjollah.

12. Also the mangoe garden purchased from Kholasee, together with about eight beegahs of Lackraj lands, on which it stands in Mouzah Thackoorparah, included in the same Talook, butted and bounded as follows, namely, on the South of the tank of Gourhurry Gossamy and others; on the East of the road leading from North to South; on the West of the mangoe garden of Bejoychunder Bhuttacharjee; on the North of Teki Berr.

13. Also the garden called Roycoontoo Beer with Lackraj land, measuring about thirty-six beegahs of tenanted land in Mouzah Thackoorparah, included in the said Talook, butted and bounded as follows, namely, on the South of the road; on the West of Rutton Chuckerbutty's lands; on the East of the land of Boidonath Moochee and others, and on the North of the lane.

14. Also the whole of the place called Saheb-dangah, measuring about one hundred beegahs, the Debutter land of Kallachand Thackoor, of which a Mourassee Pottah has been given, the said land is tenanted, and on it stands the Small Cause Court Cutcherry, situate in Mouzah Rajahpore, included in the said Talook, butted and bounded as follows, namely, on the West of the metalled road leading from North to South; on the South of the road leading from East to West.

on the East of Shahaparrak, and of the garden of Rajkristo Poddar and others and of the ditch, and on the North of the sloping land of Moonshadabo.

15. Also the eight annas share in the Lackraj land purchased from the late Muddoosoodun Roy, measuring about twenty beegahs of tenanted land, which in Mouzah Gopalpore included in the same Talook, butted and bounded as follows, namely, on the North of the road leading from North to South; on the South of the house and lands of Sreeram Moondoomallah and Sreeram Colea; on the West of the house of Madhub Chunder Acharjee and Hurry Dutt.

16. Also the eight annas share in the ten beegahs of Lackraj land purchased from the late Muddoosoodun Roy with mangoe and jack trees on it, and tenants dwelling on it, situated in Mouzah Woomes Nuggur, included in the said Talook, and butted and bounded as follows, namely, on the South of the narrow lane leading from East to West; on the West of the house of Radhakissen Thackoor and Dwarlanauth Bose; on the North of the house of Khettermohun Acharjee and others, and on the East of the house of Deno Bewah.

17. Also the eight annas share in Dhee Bahadoorpore, comprising five Mouzahs, namely, Nij Bahadoorpore, Basdelepore, Buro Jancoorah, so to Jaiaoorah, and Dey Parah, of which the annual Putnee Jumma is Rupees 2,398-14-4, and of which Baboos Kalidoss and Unnodapersad Bonnerjee, Nocoormoney and Banasoondery Dabees and others are the registered proprietors, and which stands in the name of Tareeneepersaud Ghose.

18. Also the eight annas share in the Lackraj land, measuring about five beegahs, purchased from the late Muddoosoodun Roy, situate in Mouzah Bowagahee, included in Dhee Kristochunderpore, and butted and bounded as follows, namely, on the West meadow, and on the North of the road leading from East to West on the West of the road leading from North to South; on the South of Gopalchunder Bhuttacharjee's Garden, and on the East of the land of Sreeram Haldar.

19. Also the eight annas share in the Lackraj lands purchased from the late Muddoosoodun Roy, measuring about five beegahs, situate in the Mouzah abovenamed, and butted and bounded as follows; on the West of the waste Mal lands and of the road leading from North to South; on the North of Ramrutton Buttacharjee's lands; on the East of the garden of the late Sibchunder Roy and others, and on the South of Dindoyal Poramanick's Garden.

20. Also one-third share of the ancestral Lackraj land, measuring about two beegahs, with tenants dwelling on it, situate in Mouzah Gopalpore Tirruff Santipore, and bounded as follows: on the West of road leading from North to South; on the South of the road leading from East to West; on the East of Joyram Paul's Putnee land, and on the North of garden of the late Woomeschunder Roy.

21. Also the one-third share in the ancestral Lackraj land, measuring about three beegahs, with tenants dwelling on it, and having tamarind, bale, and several other trees growing on it, situate in Mouzah Gopalpore, included in the same Talook, and bounded as follows, namely, on the West of the road leading from North to South; on the South of the lane leading from East to West; on the East of the house of Ramrutton Chatterjee

and Ramgopal Ghosaul, and on the North of the house of Sibchunder Paul:

22. Also one-third share in the ancestral Lackraj land, measuring about ten beegahs, with tenants dwelling on it, situated in Mouzah Rugoorampore, included in the same Talook, and bounded as follows: on the South of the lane; on the West of the drain; on the East of the houses of Luckhun Coleah and Moteeloll Coleah, and on North of Bissumbur Roy's Jomye land and of the narrow lane.

23. Also one fruit garden with rent-free land, measuring about six beegahs, situated at Mouzah Byghotee Dehee Kerr.

24. Also the two-storied brick-built house known by the name of Majirry Book, situated at Baugatchey.

25. Also eight annas share of the land purchased from Muddoosoodun Roy at Gopalpore.

26. And also one lodging-house situated at Grnwarree, in the district of Nuddea.

The Conditions of Sale may be known by applying at the Sheriff's Office.

S. A. APCAR,

Sheriff.

Notice.

SALE OF WASTE LANDS.

Notice is hereby given that a Lot of Waste Land, estimated to consist of about 1,577 Acres, more or less, situated in Thannah Chuckoreah, Zillah Chittagong, and bounded as shewn at foot of this Notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Provinces of Bengal," will be put up to sale by auction to the highest bidder, above the upset price of two Rupees eight annas per Acre, on the 2nd of February 1867, at the Office of the Collector of Chittagong; should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner, and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863.

R. H. WILSON,

Officiating Collector.

ZILLAH CHITTAGONG;

Collector's Office,
The 13th October 1866.

BOUNDARIES OF LOT 103.

North—By the Pequa River.

South—By the Burra Kurria Faree.

East—By the Masca Channel.

West—By the Kootubdeah and Mattarbarree Channels.

R. H. WILSON,

Officiating Collector.

LIABILITIES.		Ra. As. P.	
Proprietors' Capital, paid-up	9,20,00,000 0 0
Reserve Fund	18,63,505 12 7
General Treasury Balance at Head Office	11,47,060 6 0
Ditto at Branches	89,61,135 4 1
Other Deposits at Head Office and Branches	3,56,70,191 13 6
Bank Post Bills, &c.	4,63,051 15 11
Bank Notes Outstanding	98,830 0 0
Sundries	7,68,429 9 4
Total			Rs. 1,47,06,060 6 0
ASSETS.		Ra. As. P.	
Government Securities	2,68,63,881 11 11
Loans on Government Securities at Head Office and Branches	2,68,63,881 11 11
Accounts of Credit on ditto	4,11,07,423 15 6
ditto ditto	1,22,92,449 13 5
Mercantile Bills discounted at
Dead Stock
Stamps
Balances with other Banks
Sundries
Cash and Currency Notes at Head Office
Ditto ditto, at Branches
Total			Rs. 1,47,06,060 6 0

By Order of the Directors,

D. Woods,
Chief Assistant and Deputy Secretary.

NOTICE is hereby given that the Bank of Bengal, General Treasury, and Public Debt Office, will be closed on the 16th and 17th instant, on account of the Hindoo Festival Juggodhattree Poojah, in conformity with Government Notification, No. 64, of 16th April 1862.

GEO. DICKSON,
Secretary and Treasurer.

CALCUTTA,
The 10th November 1866.

"MACHINERY AND HARDWARE DEPARTMENT."

The separate business carried on by the undersigned in the above branch of trade will, in future, be conducted and carried on under the style and firm of

LEPAGE, NEPHEW, & CO.

Office—2, DALHOUSIE SQUARE.

Godown—2, MISSION ROW.

Workshops—5, RANEEMOODY GULLY.

R. C. LEPAGE & Co.

CALCUTTA,
The 1st November 1866.

IN reference to the above Notice, MR. R. C. LEPAGE, Junior, is hereby empowered to sign the firm of

LEPAGE, NEPHEW, & CO.

and to conduct the business in India.

MR. R. C. LEPAGE, Senior, with a competent staff, attends to the business in England.

Orders may be sent direct, or through the Calcutta House; if direct, references or arrangements for payment will be necessary.

Contracts entered into and Commissions received
for all descriptions of Machinery, Metals, Tools,
and Hardware.

Further particulars on reference to the Calcutta or London House.

ADDRESS IN LONDON—

No. 1, Whitefriars Street, Town Street.

[1979]

**R. Scott Thomson and Company,
"Limited."**

THE Seventh Half-yearly Ordinary General Meeting of Shareholders will be held at the registered Office of the Company, No. 13, Government Place, on Saturday, the 24th November 1866, at noon, for the purpose of declaring an *ad interim* Dividend for the Half-year ending 30th September last.

By Order of the Directors,

F. STUART,
Secretary.

CALCUTTA,
The 6th November 1866. }

Chatlawhar Tea Company, "Limited."

THE Half-yearly General Meeting will take place at 4 P. M., on Tuesday, the 11th December next, at the Office of the Company, No. 2, Garstin's Buildings, to receive the Directors' Report, pass the Account and transact such business as may be brought forward.

The Meeting will then be made special to consider whether, or not, it is desirable to carry on the Company.

By Order of the Directors,

J. S. DOUGLAS,
Secretary.

Beerbhoom Coal Company, "Limited."

NOTICE is hereby given that an Extraordinary General Meeting of the Shareholders of this Company will be held at No. 3, Fairlie Place, on Monday, the 26th November current, at noon, for the purpose of confirming the Resolutions passed at the Half-yearly Ordinary General Meeting of the Company held on Wednesday, the 31st October 1866.

BORRADAILE, SCHILLER & Co.,
Managing Agents.

CALCUTTA,
The 1st November 1866. }

Seebaugor Tea Company, "Limited."

NOTICE is hereby given that an Ordinary Half-yearly General Meeting of the Shareholders of the above Company will be held on Saturday, the Twenty-fourth day of November instant, at 12 o'clock, at the registered Office of the Company, No. 7 Mission Row, Calcutta, for the transaction of such business as may be brought before it.

BEGG, DUNLOP & Co.,
Secretaries.

CALCUTTA,
The 6th November 1866. }

Bishnauth Tea Company, "Limited."

WE beg to give notice that the adjourned Sixth Half-yearly Ordinary General Meeting of the Shareholders in the above Company will be held at the registered Office of the Company, No. 1, Lyons' Range, on Wednesday, the 14th November 1866, at 4 P. M., to receive the Directors' report, pass the accounts, and transact such other business as may be necessary.

By Order of the Directors,

TURNER, MORRISON & Co.,
Secretaries.

CALCUTTA,
The 30th October 1866. }

With reference to the above, notice is hereby further given that a notice has been duly given to the Secretaries of the Company of the intention of one of the Shareholders to propose at such Meeting the following special Resolution, *viz.* :—
"That this Company be wound up voluntarily under the provisions of the Indian Companies' Act of 1866."

BEGG, DUNLOP & Co.,
Secretaries.

The 8th November 1866.

Notice.

**BENGAL MILLS COMPANY LIMITED IN
LIQUIDATION.**

A General Meeting of Shareholders of the above Company will take place at No. 69, New China Bazar, on Saturday, the 15th December next, at 3½ P. M., for passing the Accounts of the Company from 1st September 1865 to 30th November 1866, for receiving the Liquidators' Report, declaring a dividend, and transacting such other business as may be brought before the meeting.

TOOLSEEDOSS DUTT,
GOBINCHUNDER DHURR,
Liquidators.

CALCUTTA,
The 12th November 1866. }

Eastman and Company, "Limited."

NOTICE is hereby given that an Extraordinary General Meeting of the Shareholders of this Company will be held within the Company's Office No. 9, Dhurrumtollah Street, on Saturday, the 17th day of November proximo, at 4 o'clock afternoon, for the purpose of confirming the proceedings of the General Meeting of the Company held on the 29th instant.

By Order,

ALLAN ROBERTSON, Jr.,
Secretary.

CALCUTTA,
The 31st October 1866. }

[1980]

Notice.

HUNTER AND COMPANY, "LIMITED."

AN Extraordinary General Meeting of the Shareholders of this Company will be held at their Office, Nos. 23, 24, 25, Dhurumtollah, on Wednesday, the 21st instant, at 4 P. M., for the purpose of confirming the Resolutions passed at the Extraordinary General Meeting of the Shareholders held on the 6th instant, *viz.* :—

First.—That the Company be wound up voluntarily under the Indian Companies' Act, 1866.

Second.—That J. E. MacLachlan, Esq., and J. Hechle, Esq., be appointed Liquidators of the Company.

Third.—That the remuneration of the Liquidators be 5 per cent. upon the gross amount to be realized by them, they paying all expenses, except law charges.

J. SHERRIFF,
Manager.

CALCUTTA ;
Nos. 23, 24, 25, Dhurumtollah, }
The 7th November 1866.

Notice.

THE Sixth Half-yearly Ordinary General Meeting of the Shareholders of the Calcutta Screw-ing Company Limited will be held at the Com-pany's Office, in the Bonded Warehouse, at 1 P. M., on Saturday, the 15th December next, for the purpose of passing the Accounts for the Half-year ending 31st October 1866 and of declaring a dividend.

F. C. CADOGAN,
Managing Director.

CALCUTTA,
The 12th November 1866. }

Cachar and Assam Company "Limited."

THE Sixth Ordinary General Meeting of the above Company will be held, at the Office of the Secretaries, at noon, on Saturday, the 24th Novem-ber, for the purpose of receiving the Directors' report and accounts for the half-year ending the 30th June last. The Meeting will then be made special, and the following resolutions brought forward.

"To alter the Articles of Association of the Company by inserting a power therein, authoriz- ing the Directors to borrow one lac (Rupees 1,00,000) of Rupees on the security of the Com-pany's Estates and Crop upon such terms as may be thought fit;" or

"That the Articles of Association of the Company be altered by inserting a power therein, authorizing the Directors to issue preference shares for the purpose of raising one lac (Rupees 1,00,000) of Rupees;" or

"That the Company be wound up."

JOHN ELLIOTT AND CO.,
Secretaries.

Lost or Stolen.

HALVES of the following Currency Notes, in- timation of loss given to the Currency Office, Calcutta, Nos. A13—61139, A30--85399, for Rupees 100 each.

SOMMERUDEE SIRCAR.

The 9th November 1866.

Lost or Stolen.

A Government Currency Note, No. A11—58794, for Rupees 50. Payment stopped.

LALLA KANTAPERSAUD. *

Lost,

IN transmission through post, the following Government Currency Notes, payment of which has been stopped at the Office of the Currency Commissioner :—

Nos. A28—52919, 64133, 54943, 71755, 66350, 62517, 59169, 57176, 57937, nine Notes, at Rupees 1,000 each.

ORIENTAL BANK CORPORATION, }
Calcutta, the 7th November 1866. }

Lost,

THE Second-half of Government Currency Note, No. A8—05957, for Rupees 10. Payment stopped at the Currency Office.

WILLIAM SCOTT, Pensioner,
for

C. EDWARDS.

The 8th November 1866.

Stolen,

Currency Note,	No.	22495, for Rs.	100
"	"	22764	" 100
"	"	15804	" 100
"	"	19253	" 100
"	"	24561	" 100
"	"	24855	" 100
"	"	21782	" 100
"	"	26994	" 100
"	"	27737	" 100

H. P. WYNCH, Captain,
District Supdt., B. P.

Lost or Stolen,

SECOND-HALF of Government Currency Note, No. A20—50201, for Rupees 10 only.

Lost or Stolen.

HALF of the following Currency Note, intima- tion of loss given to the Currency Office, Cal- cutta :—

No. A37—90555, for Rupees 100.

RAMPAL MONOHAR. P.

The 6th November 1866.

[1981]

Lost or Stolen.

HALF of Currency Note, No. A9—79303, for Rupees 20, intimation of loss given to the Currency Office, Calcutta.

Lost or Stolen.

HALF of the following Currency Note, intimation of loss given to the Currency Office, Calcutta:—

No. A29—38283, for Rupees 500.

Lost or Stolen.

HALVES of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

Nos. A25—63491 and 63798, for Rupees 20 each.

No. A19—06455, for Rupees 10.

Lost or Stolen.

HALF of the Currency Note, No. A25—90038 (marked 'E. 23-8-66') for Rupees 20.

Lost.

HALF of Government Currency Note, No. A30—66314, for Rupees 100, intimation of loss given to the Currency Office, Calcutta.

Lost.

HALF Notes, Nos. 93394, 93374, 95638, 96100, 64966, 71428, 87297, 64170, 64954, each for Rupees 20.

GRINDLAY & Co.

Lost.

HALVES of the following Government Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

Nos. A6—63728, A19—46007, and A6—63038, for Rupees 10 each.

Lost.

HALF of Government Currency Note, No. A06740, for Rupees 50, intimation of loss given to the Currency Office, Calcutta.

Lost.

THE HALVES of Government Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

No. A19—07945, for Rupees 10.

„ A18—18995, „ „ 10.

Lost.

HALVES of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

No. A18—23434, for Rupees 10.

„ A18—23435, for Rupees 10.

„ A18—23436, for Rupees 10.

SEENAUH BANERJEE & BROTHERS,

Booksellers, Cossitollah, Calcutta.

Lost or Stolen.

GOVERNMENT Currency Note, No. A11—98794, for Rupees 50.

KANTAPESBAUD.

Just published.

In Pamphlet Form.

ACTS AND ORDERS relating to the Engagement and Transport of Native Laborers under contract for employment in Assam, Cachar, and Sylhet. Price—8 Annas.

To be had on application at the Offices of the Superintendent of Labor Transport, Calcutta, Commissioner of Assam, and Deputy Commissioner of Cachar.

A Bengallee Translation of the Acts and Orders, recently published, is also to be had at the same price in the Office of the Superintendent of Labor Transport, Calcutta.

Edited by the Secretary, Board of Revenue.

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FOR THE

GUIDANCE OF OFFICERS

ENGAGED IN

THE ADMINISTRATION

OF THE

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IN THE

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“This work supersedes ‘Hume’s Manual,’ and will be the Text Book for the examination of Assistant and Deputy Collectors, so far as the Rules of the Board of Revenue are concerned. It is indispensable to all Revenue Agents and Pleaders who practise in Revenue Courts, and to all who have business in Revenue Offices throughout the country.”

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WASTE LAND RULES,

BEING

CHAP. XXVI. OF THE RULES OF THE BOARD OF REVENUE

CALCUTTA:

OFFICE OF SUPDT. OF GOVT. PRINTING,

MILITARY ORPHAN PRESS

1866.

Caution.

THE Public are hereby cautioned against purchasing or taking in mortgage from Newab Seedee Nuzur Ally Khan a zemindary called Pergunnah Midnapore, &c., situate in Zillah Midnapore, or the undermentioned Soonderbund grants collectively known as the Furreedoonabad Estate, (that is to say) —

Messrs. Gordon, Stuart and Co.'s Grant, No. 79, containing 11,600 beegahs of land in Lot Wagilda.

Messrs. Bagshaw and Co.'s Grant, No. 90, containing 11,700 beegahs of land in Lot Auerutollah.

Mr. Harris's Grants, Nos. 57, 58 and 67, containing 70,000 beegahs of land in Lot Mutbaree and Kally Rutullo and Alanobaker.

Mr. Storm's Grants, Nos. 91, 92 and 100, containing 42,500 beegahs of land in Lot Bhowancepore, Bissunpore and Falanee;

and

Mr. Heatley's Grants, Nos. 87, 88, 89, 93, 94, 95, 96 and 97, containing 29,000 beegahs of land, in Lots Hossenabad, Mohunpore, Sootkooreah, Kallydangah, Nowpira, Sawria and Bhoysa Gungarampore, Pergunnah Bhowancepore.

The Public are also cautioned against purchasing or taking in mortgage from the said Newab Seedee Nuzur Ally Khan his dwelling-house, situate at Ballygunge, or any other real properties, in his possession or standing in his name, situate at Moorshedabad, Calcutta, and elsewhere, inasmuch as a decree has lately been obtained by Rajah Ojodeeram Khan against him and others in the Judge's Court at Midnapore, whereby it was decided that the said Newab Seedee Nuzur Ally Khan is not a *bona fide* purchaser for valuable consideration of the said zemindary, Pergunnah Midnapore, &c., and the said Newab Seedee Nuzur Ally Khan will be found largely indebted to the said Rajah Ojodeeram Khan on account of the mesné profits which have accrued during his possession of the said zemindary.

CALCUTTA,
The 12th October 1866. }

Lost,

A Government Currency Note, intimation of loss given to the Currency Office, Calcutta :—
No. A27—22104, for Rupees 20.

NEMY CHURN CHUCKERBUTTY.

The 13th November 1866.

Lost or Stolen.

HALF of the following Currency Note, intimation of loss given to the Currency Office, Calcutta :—

No. A19—87046, for Rupees 10.

**NOTICES issued by the
POST-MASTER of CALCUTTA**

No. 164.

The 7th November 1866.—Mails for Akyab Rangoon, and Moulmein, for transmission per Steamer *Busheer*, will be closed at this Office on Thursday, the 15th instant, at 6 p. m.

Letters, &c., for Port Blair can be sent *via* Rangoon by this opportunity.

No. 165.

The 7th November 1866.—Mails for Bimlipatam, Vizagapatam, Coconada, Madras, Negapatam, Galle, Colombo, Tuticorin, Cochin, Calicut, Cannanore, Mangalore, Carwar, and Bombay, for transmission per Steamer *Punjab*, will be closed at this Office on Wednesday, the 14th instant, at 6 p. m.

No. 167.

The 10th November 1866.—Mail Packets for the Overland Mail, which leaves Bombay on the 29th November 1866, will be closed at this Office at 6 p. m., on each day as follows :—

Via Southampton on the 20th November 1866.
Via Marseilles on the 21st November 1866.

Rates of Postage.

	<i>Via</i> Southampton.			<i>Via</i> Marseilles.		
	Rs.	As.	P.	Rs.	As.	P.
Under $\frac{1}{2}$ Ounce	0	4	0	0	6	8
" 1 "	0	8	0	0	13	4

No. 168.

The 10th November 1866.—The Public are informed that an Express Packet will be sent to Bombay on Thursday, the 22nd instant, and letters will be received up to 6 p. m. of the same day.

The Express Postage must be paid in at one Rupee per $\frac{1}{2}$ of an Ounce in addition to the Steamer Postage.

Letters for the Express will be received by a Clerk at the Window.

No. 169.

The 13th November 1866.—The Overland Mail per Steamer *Golconda* will be closed on Thursday, the 22nd instant, at 6 p. m.

Letters for Madras, Ceylon, the Straits, China, Mauritius, Cape of Good Hope, St. Helena, and Australia, can be sent by this opportunity.

	Weight.	<i>Via</i> Marseilles.			<i>Via</i> Southampton.		
Postage.		Rs.	As.	P.	Rs.	As.	P.
Under $\frac{1}{2}$ Ounce		0	6	8	0	4	0
" 1 "		0	13	4	0	8	0
" 2 "		1	10	8	1	0	0



APPENDIX TO
The Calcutta Gazette.

WEDNESDAY, NOVEMBER 14, 1866.

NOTICE

Is hereby given that the sale of the Proprietary right of Government to the Estates enumerated in the following Advertisements of Sale will be made subject to these

CONDITIONS OF SALE:

1st.—The Estates to be sold, subject to the Government Revenue against each, to the highest bidder above the upset price.

2nd.—The sale to be subject to existing leases and to the rights conferred by the settlement proceedings and laws in force, and Purchasers to be bound to respect the rights of resident cultivators who have signed the Schedule of Assessment made by the Revenue Authorities.

3rd.—If the amount of purchase-money do not exceed Rupees 100, the whole amount to be paid down at once.

4th.—If the amount of purchase-money exceed Rupees 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding Office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the Estate to be again put up for sale at the risk of the defaulting Purchaser after issue of advertisement as in the case of original sale.

5th.—In addition to the ordinary Government Revenue fixed on the Estates, the Purchasers shall be bound to pay for the construction of roads and improvement of communications one per cent. on the Government Revenue assessed from the date of entry upon the purchase. This sum will be leviable in the same manner as other arrears of Revenue.

By Order of the Board of Revenue, L. P.,

R. B. CHAPMAN,
Secretary.

ADVERTISEMENTS OF SALE.

NOTICE is hereby given that the Proprietary right of Government to the under-mentioned Estates, situated in the District of Bhullooah, will be put up to sale, in the Bhullooah Collectorate, on Monday, the 3rd December 1866, corresponding with 19th Agran 1273 B. S.

The Purchasers of the Estates will be subject to the Conditions of Sale notified under the signature of the Secretary to the Board of Revenue at the head of this Appendix, with the addition of the following Condition, viz.:—

1. That the purchase will have effect from 1273 B. S.

Number of Statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Area in Acres.	GOVERNMENT REVENUE.			Upset Price.	REMARKS.
				Revenue assessed.	Road Cess.	Total.		
			A. R. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
54	1452	Chur Jozid Nuzidpore ...	216 3 32	195 0 0	2 0 0	197 0 0	390 0 0	
68	1570	Chur Gānda ...	55 3 13	63 0 0	1 0 0	64 0 0	128 0 0	

BHULLOOAH COLLECTORATE, }
The 27th August 1866. }

J. C. PRICE,
Offg. Collector.

NOTICE is hereby given that the Proprietary right of Government in the under-mentioned Plots of C. Land relinquished by the East Indian Railway Company, situated in the District of Shahabad, will be put up to sale, Revenue free, at the Shahabad Collectorate, on Friday, the 30th day of November 1866, corresponding with 8th Anggun 1274.

The Purchasers of these Plots will be subject to the Conditions of Sale notified under the signature of the Secretary to the Board of Revenue at the head of this Appendix:—

Number of Statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Area in Acres.	GOVERNMENT REVENUE.			Upset Price.	REMARKS.
				Revenue assessed.	Road Cess.	Total.		
			A. R. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
...	...	Kusbeh Hameedpore, Pergunnah Arrah ...	5 3 19½	.....	.....	.....	45 0 0	
...	...	Nawadahben, Pergunnah Arrah ...	3 2 30½	.....	.....	.....	55 0 0	
...	...	Koerdeh, Pergunnah Beehcea ...	1 0 17	.....	.....	.....	5 0 0	
...	...	Jogeebeer, Pergunnah Beehcea ...	2 0 10	.....	.....	.....	30 0 0	
...	...	Dhakyech, Pergunnah Bhojepore ...	4 0 31½	.....	.....	.....	32 0 0	
...	...	Bhojepore Jadeed, Pergunnah Bhojepore ...	0 1 13½	.....	.....	.....	5 0 0	
...	...	Burcothia Beetulpore, Pergunnah Bhojepore ...	1 0 15½	.....	.....	.....	10 0 0	
...	...	Jugdeespore, Pergunnah Bhojepore ...	1 3 34½	.....	.....	.....	32 0 0	
...	...	Chousakhass, Pergunnah Chousa ...	2 0 14	.....	.....	.....	18 0 0	
...	...	Khelafutpore, Pergunnah Chousa ...	10 2 33½	.....	.....	.....	85 0 0	

SHAHABAD COLLECTORATE, }
The 4th October 1866. }

H. ALEXANDER,
Collector.

NOTICE is hereby given that the Proprietary right of Government to the under-mentioned Estates, situated in the District of Sylhet, will be put up to sale, in the Sylhet Collectorate, on Tuesday, the 4th December 1866, corresponding with 20th Agrahan 1273 B. S.

The Purchasers of these Estates will be subject to the Conditions of Sale notified under the signature of the Secretary to the Board of Revenue at the head of this Notice:—

Number of Statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Area in Acres.	GOVERNMENT REVENUE.						Upset price.	REMARKS.					
				Revenue assessed.			Road Cess.					Total.				
				Rs.	A.	P.	Rs.	A.	P.			Rs.	A.	P.		
772	9735	Talook Sheik Haroo, Pergunnah Chaup Ghaut	2 3 0	7	15	0	0	2	0	8	1	0	15	14	0	Will be sold retaining the Government Revenue.
773	2980	Talook Joyram, Pergunnah Julsooka	27 2 38	2	0	0	0	0	3	2	0	3	4	0	0	
	39638	No. Mahamod Shoruff, Pergunnah Khaleeshabun Bag	0 2 3	.....	.....	.....	.....	.....	.....	.....	.....	.....	17	8	0
774	2891	No. Keshno Gobind Surmah, Pergunnah	Will be sold Revenue free.
775		Dacca Duckin	1 0 26	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	7	2

T. WALTON,
Collector.

NOTICE

Is hereby given that the Proprietary right in the Government Estate, Hât Chitla, No. 1069, of the 24-Pergunnahs' Collectorate, situated in Pergunnah Magoorah, in the District of the 24-Pergunnahs, will be put up to sale at the Office of the Collector of the 24-Pergunnahs on the 1st day of February 1867.

2. The Estate will be sold to the highest bidder above (7,000 Rupees) seven thousand Rupees.

3. The Estate consists of 136gs. 6cwt. 5ch. of Chaudnee land (more or less), and of 36gs. 17cwt., 15ch., more or less, on which the well-known Chitla Hât is held.

4. The purchase will take effect from the 1st of May 1867, from which date the Purchaser will acquire the proprietary right, subject to its liabilities for the eleven months, from 1st of May 1867 to 31st March 1868; the Purchaser will be liable to pay Rupees 3,208 as Government revenue. From the 1st of April 1868 to the 31st March 1869, and for every subsequent year, the demand of Government revenue will be Rupees 3,500.

5. Intending bidders can see all papers and learn all particulars by calling at the Office of Mr. Deputy Collector Heysham at Alipore.

6. The sale will be subject to the following Conditions:—

I. One-fourth of the amount bid must be immediately deposited, otherwise the Estate will be at once put up to sale again.

II. If the balance of purchase money be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or, if that day be a close holiday, then by noon of the first succeeding Office day, the sale will be cancelled, (the sum deposited being forfeited to Government,) and the Estate will be again put to sale, at the risk of the defaulting Purchaser, after issue of advertisement, as in the case of original sale.

III. In addition to the ordinary Government revenue fixed on the Estate, the Purchaser shall be bound to pay, for the construction of roads and improvement of communications, one per cent. on the Government revenue assessed from the date of entry upon the purchase. This sum will be leviable in the same manner as other arrears of revenue.

H. L. DAMPIER,
Commissioner of the Nuddea Division.



APPENDIX (No. II.) TO
The Calcutta Gazette.

WEDNESDAY, NOVEMBER 14, 1866.

LAND SALE NOTICES.

NOTICE is hereby given that the notice of sale of Class I. permanently-settled Estates, being Towjees Nos. 1298 and 1299, seven annas and five annas twelve gundah shares of Pergunnah Suryle, respectively, which appeared in the *Calcutta Gazette* of 10th and 14th October, under date 3rd October 1866, is hereby cancelled.

TIPPERAH,
The 30th October 1866. }

F. G. MILLETT,
Collector.

NOTICE is hereby given under Section VI., Act XI. of 1859, that the undermentioned Estates, in Zillah Shahabad, will be put up to public and unreserved Sale, at the Collector's Office of that District, on Tuesday, the 4th December 1866, corresponding with the 12th Aghan, 1274 Fuslee, for arrears of Revenue and other demands, which by the Regulations and Acts in force are directed to be realized in the same manner as arrears of Revenue due on the 28th September 1866 :—

Class IV.—Estates to be sold on account of demands realisable in the same manner as arrears of Revenue No. 718. The right and interest of Beja Sing, judgment-debtor in Mehal Bugsunda, Pergunnah Chousa, in satisfaction of an Act X. of 1859, decree; recorded Proprietor, Nein Sing, Jugernath Sing and others; Sudder Jumma, Rupees 501.

SHAHABAD COLLECTORATE,
The 5th October 1866. }

H. W. ALEXANDER,
Collector.



The Calcutta Gazette.

WEDNESDAY, NOVEMBER 21, 1866.

Home Department.

LEGISLATIVE.

THE following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information:—

ACT No. XXVII of 1866.

To consolidate and amend the Law relating to the conveyance and transfer of property in British India vested in Mortgagees and Trustees, in cases to which English Law is applicable.

WHEREAS it is expedient to consolidate and amend the laws relating to the conveyance and transfer of moveable and immoveable property in British India vested in Mortgagees and Trustees, in cases to which English law is applicable; It is hereby enacted as follows:—

1. Section 3 of Act XXIV of 1841 (for the greater uniformity of the law administered by Her Majesty's Supreme Courts with that administered in England, in regard to the undisposed residue of the effects of Testators; Illusory Appointments; the transfer of Estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons, and other like matters) and so much of Act XIV of 1852 (for extending the provisions of Acts XXIV of 1841 and XVII of 1843 to the Straits Settlement), as extends the provisions of the said Section to the Settlement of Prince of Wales' Island, Singapore, and Malacca, are hereby repealed: Provided that all proceedings under the said Section or Act commenced before this Act comes into operation, may be proceeded with under the said Section or Act or according to the provisions of this Act, as shall be thought expedient by the person by whom they were commenced.

2. In this Act, unless there be something repugnant in the subject or context—

"Immoveable property" shall extend to and include messuages, tenements, and hereditaments, corporeal

and incorporeal, of every tenure or description, whatever may be the estate or interest therein:

"Stock" shall mean any fund, annuity or security transferable in books kept by any company or society established or to be established, or transferable by Deed alone, or by Deed accompanied by other formalities, and any share or interest therein. It shall also include shares in ships registered under the Merchant Shipping Act, 1851, or at any port in British India:

"Hold" and "holding" shall be applicable to any vested estate, whether for life or of a greater or less description, in possession, futurity or expectancy, in any immoveable property:

"Contingent right" as applied to immoveable property shall mean a contingent or executory interest, or possibility coupled with an interest, whether the object of the gift or limitation of such interest or possibly be or be not ascertained; also a right of entry, whether immediate or future and whether vested or contingent:

"Convey" and "Conveyance" applied to any person, shall mean the execution by such person of every necessary or suitable

assurance for conveying or disposing to another immoveable property which such person holds, or in which he is entitled to a contingent right either for the whole estate of the person conveying or disposing, or for any less estate, together with the performance of all formalities required by law to the validity of such conveyance, including the acts to be performed by married women and tenants in tail in accordance with the provisions of Act XXXI of 1854 (to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable):

"Transfer" shall mean the execution and performance of every deed and act by which a person entitled to stock or Government securities can transfer such stock or Government securities from himself to another:

"High Court" shall mean every Court now or hereafter established under the Statute 24 and 25 Vic.,

cap. 104, and also the Chief Court of the Punjab, or such one or more Judges of the said Courts respectively as shall be appointed by the Chief Justice or the Senior Judge, as the case may be, to entertain applications and make orders under this Act :

"Trust" shall not mean the duties incident to an estate conveyed by way of mortgage; but with this exception, the words "Trust"

and "Trustee" shall extend to and include implied and constructive trusts, and shall extend to and include cases where the Trustee has some beneficial estate or interest in the subject of the trust, and shall extend to and include the duties incident to the office of Executor or Administrator of a deceased person :

"Lunatic" shall mean any person who shall have been found by due course of law to be of un-

sound mind and incapable of managing his affairs :

"Person of unsound mind" shall mean any person not a minor who, not having been found to be a lunatic, shall be incapable

from infirmity of mind to manage his own affairs :

In the case of a will made or an intestacy occurring before the first day of January 1866, "heir"

shall mean the person claiming an interest in the immoveable property of a deceased person under the laws concerning descent applicable to such property; and "devisee" shall, in addition to its ordinary signification, mean the heir of a devisee and the devisee of an heir, and generally any person claiming an interest in the immoveable property of a deceased person, not as heir of such deceased person, but by a title dependent solely upon the operation of the laws concerning devise and descent :

In the case of a will made or an intestacy occurring on or after the first day of January 1866, "heir" shall mean any person claiming an interest in the immoveable property of a deceased person under the rules for the distribution of an intestate's estate; and "devisee" shall mean any person taking immoveable property under a bequest, and any person, other than an executor or administrator, claiming an interest in immoveable property, not as entitled thereto under the said rules, but by a title dependent solely upon the operation of the laws concerning intestate and testamentary succession :

"Mortgage" shall be applicable to every estate or interest in immoveable or

moveable property which

would in the High Court be deemed merely a security for money :

"Person" shall include any Company or association, or body of persons whether incorporated or not :

Words importing the singular number only shall extend to several persons or things; words im-

porting the plural number shall apply to one person or thing; words im-

porting the masculine gender shall extend to a female.

3. The powers and authorities given by this

Act to the High Courts shall and may be exercised only in cases to

which English law is applicable, and may be exer-

cised with respect to property within the local limits of the extraordinary original civil jurisdiction of the said Courts respectively.

4. When any lunatic or persons of unsound mind shall hold any immoveable property upon any trust or by way of mortgage, it shall be

High Court may convey estates of lunatic Trustees and Mortgagees ;

lawful for the High Court to make an order that such property be vested in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the Trustee or Mortgagee had been sane, and had duly executed a conveyance of the property in the same manner for the same estate.

5. When any lunatic or person of unsound mind shall be entitled to any contingent right in any immoveable property upon any trust or by way of mortgage, it shall be

And may convey contingent rights.

lawful for the High Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said High Court shall direct; and the order shall have the same effect as if the Trustee or Mortgagee had been sane and had duly executed a deed so releasing or disposing of the contingent right.

6. When any lunatic or person of unsound mind shall be solely entitled to any stock or Government securities, or to any thing in action upon any trust or by way of mortgage, it shall be law-

High Court may transfer stock or Government securities of lunatic Trustees and Mortgagees.

ful for the High Court to make an order vesting in any person or persons the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof; and when any person or persons shall be entitled jointly with any lunatic or person of unsound mind to any stock or Government securities or thing in action upon any trust or by way of mortgage, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to use for and recover such thing in action or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last-mentioned person or persons together with any other person or persons the said High Court may appoint.

7. When any stock or Government securities

Power to transfer stock or Government securities of deceased persons.

shall be standing in the name of any deceased person whose executor or administrator is a lunatic or person of unsound mind, or when any thing in action shall be vested in any lunatic or person of unsound mind as the executor or administrator of a deceased person, it shall be lawful for the High Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action or any interest in respect thereof, in any person or persons the said Court may appoint.

8. Where any minor shall hold any immove-

High Court may convey estates of minor Trustees and Mortgagees.

able property upon any trust or by way of mortgage, it shall be lawful

for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct: and the order shall have the same effect as if the minor Trustee or Mortgagee had attained his majority, and had duly executed a conveyance of the property in the same manner for the same estate.

9. Where any minor shall be entitled to any contingent right in any immovable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said Court shall direct; and the order shall have the same effect as if the minor had attained his majority, and had duly executed a deed so releasing or disposing of the contingent right.

10. When any person solely holding any immovable property upon any trust shall be out of the jurisdiction of the High Court, or cannot be found, it shall be lawful for the said Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct, and the order shall have the same effect as if the Trustee had duly executed a conveyance of the property in the same manner and for the same estate.

11. When any person or persons shall hold any immovable property in trust jointly with a person not within the jurisdiction of the High Court, or who cannot be found, it shall be lawful for the said Court to make an order vesting the property in the person or persons so jointly holding or in such last-mentioned person or persons, together with any other persons or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the Trustee out of the jurisdiction, or who cannot be found, had duly executed a conveyance of the property in the same manner for the same estate.

12. When any person solely entitled to a contingent right in any immovable property upon any trust shall be out of the jurisdiction of the High Court, or cannot be found, it shall be lawful for the said Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said Court shall direct; and the order shall have the same effect as if the Trustee had duly executed a conveyance so releasing or disposing of the contingent right.

13. When any person jointly entitled with any other person or persons to a contingent right in any immovable property upon any trust shall be out of the jurisdiction of the High Court, or cannot be found, it shall be lawful for the said Court to make an order disposing of the contingent right of the person out of the jurisdiction or who cannot be found, to the person or persons so jointly entitled as aforesaid or to such last-mentioned person or persons, together with

any other person or persons; and the order shall have the same effect as if the Trustee out of the jurisdiction, or who cannot be found, had duly executed a conveyance so releasing or disposing of the contingent right.

14. Where there shall have been two or more persons jointly holding any immovable property upon any trust, and it shall be uncertain which of such Trustees was the survivor, it shall be lawful for the High Court to make an order vesting such property in such person or persons, in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the survivor of such Trustees had duly executed a conveyance of the property in the same manner for the same estate.

15. Where any one or more person or persons shall have held any immovable property upon any trust, and it shall not be known, as to the Trustee last known to have held such property, whether he be living or dead, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the last Trustee had duly executed a conveyance of the property in the same manner for the same estate.

16. When any person holding any immovable property upon any trust shall have died intestate as to such property without an heir, or shall have died, and it shall not be known who is his heir or devisee, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the heir or devisee of such Trustee had duly executed a conveyance of the property in the same manner for the same estate.

17. When any immovable property is subject to a contingent right in an unborn person, or class of unborn persons who, upon coming into existence, would in respect thereof hold such property upon any trust, it shall be lawful for the High Court to make an order which shall wholly release and discharge such property from such contingent right in such unborn person, or class of unborn persons, or to make an order which shall vest in any person or persons the estate or estates which such unborn person or class of unborn persons would, upon coming into existence, hold in such property.

18. In every case where any person holds or shall hold jointly or solely any immovable property, or is or shall be entitled to a contingent right therein upon any trust, and a demand shall have been made upon such Trustee by a person entitled to require a conveyance of such property, or a duly authorized agent of such last-mentioned person, requiring such Trustee to convey the same, or to release such contingent right, it shall be lawful for the High Court, if the said Court shall be satisfied that such Trustee has wilfully refused or neglected to convey the said

When it is uncertain which of several Trustees was the survivor.

When it is uncertain whether the last Trustee be living or dead.

When Trustee dies without an heir.

Contingent right of unborn Trustees.

Power to make an order for vesting the estate on refusal or neglect of a Trustee to convey or release.

Contingent rights of minor Trustees and Mortgagees.

High Court may convey the estate of a Trustee out of the jurisdiction of the Court.

High Court may make order in cases where persons hold immovable property in trust jointly with persons out of jurisdiction of Court, &c.

Contingent rights of Trustees.

High Court may make order in cases where persons are jointly entitled with others out of the jurisdiction of the Court to a contingent right in immovable property.

property for the space of twenty-eight days after such demand, to make an order vesting such property in such person or persons, in such manner and for such estate as the Court shall direct, or releasing such contingent right in such manner as the Court shall direct; and the said order shall have the same effect as if the Trustee had duly executed a conveyance of the property, or a release of such right, in the same manner and for the same estate.

19. When any person to whom any immoveable property has been conveyed by way of mortgage, shall have died without having entered into the possession or into the receipt of the rents and profits thereof, and the money due in respect of such mortgage shall have been paid to a person entitled to receive the same, or such last-mentioned person shall consent to an order for the re-conveyance or vesting of such property, then in any of the following cases, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct, that is to say,—

When an heir or devisee of such Mortgagee shall be out of the jurisdiction of the High Court, or cannot be found:

When an heir or devisee of such Mortgagee shall, upon a demand by a person entitled to require a conveyance of such property, or a duly authorized agent of such last-mentioned person, have stated in writing that he will not convey the same, or shall not convey the same for the space of twenty-eight days next after a proper deed for conveying such property shall have been tendered to him by a person entitled as aforesaid, or a duly authorized agent of such last-mentioned person:

When it shall be uncertain which of several devisees of such Mortgagee was the survivor:

When it shall be uncertain as to the survivor or several devisees of such Mortgagee, or as to the heir of such Mortgagee whether he be living or dead.

When such Mortgagee shall have died intestate as to such property and without an heir, or shall have died, and it shall not be known who is his heir or devisee:

And the order of the said High Court made in any one of the foregoing cases shall have the same effect as if the heir or devisee, or surviving devisee, as the case may be, had duly executed a conveyance of the property in the same manner and for the same estate.

20. In every case where the High Court shall, under the provisions of this Act, be enabled to make an order having the effect of a conveyance of any immoveable property, or having the effect of a release or disposition of the contingent right of any person or persons, born or unborn, it shall also be lawful for the High Court, should it be deemed more convenient, to make an order appointing a person to convey such property or release or dispose of such contingent right; and the conveyance, or release or disposition of the person so appointed, shall, when in conformity with the terms of the order by which he is appointed, have the same effect, in conveying the property, or releasing or disposing of the contingent right, as an order of the High Court would in the particular case have had under the provisions of this Act. In

Power to appoint a person to convey in certain cases.

every case where the High Court shall, under the provisions of this Act, be enabled to make an order vesting in any person or persons the right to transfer any stock transferable in the books of any company or society established or to be established, it shall also be lawful for the High Court, if it be deemed more convenient, to make an order directing the Secretary or any officer of such company or society at once to transfer or join in transferring the stock to the person or persons to be named in the order; and this Act shall be a full and complete indemnity and discharge to all companies or societies and their officers and servants for all acts done or permitted to be done pursuant thereto.

21. When any person or persons shall be jointly entitled with any person out of the jurisdiction of the High Court, or who cannot be found, or concerning

When Trustees of stock or Government securities out of the jurisdiction.

whom it shall be uncertain whether he be living or dead, to any stock or Government securities or thing in action upon any trust, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last-mentioned person or persons, together with any person or persons the said Court may appoint. When any sole Trustee of any stock, Government securities, or thing in action shall be out of the jurisdiction of the said Court, or cannot be found, or it shall be uncertain whether he be living or dead, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof, in any person or persons the said Court may appoint.

22. Where any sole Trustee of any stock, Government securities, or thing in action, shall neglect or refuse to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action, or any interest in respect thereof, according to the direction of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by the person absolutely entitled thereto, it shall be lawful for the High Court to make an order vesting the sole right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof, in such person or persons as the said Court may appoint.

23. Where any one of the Trustees of any stock, Government securities, or thing in action, shall neglect or refuse to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action according to the directions of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by such person, it shall be lawful for the High Court to make an order vesting the right

When one of several Trustees of stock, &c., refuses to transfer or receive and pay over dividends.

to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, in the other Trustee or Trustees of the said stock, Government securities or thing in action, or in any person or persons whom the said Court may appoint jointly with such other Trustee or Trustees.

24. When any stock or Government securities shall be standing in the sole name of a deceased person, and his executor or administrator shall be cut of the jurisdiction of the High Court, or cannot be found, or it shall be uncertain whether such executor or administrator be living or dead, or such executor or administrator shall neglect or refuse to transfer such stock or Government securities, or receive the dividends, interest or income thereof, according to the direction of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by the person entitled as aforesaid, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof in any person or persons whom the said Court may appoint.

25. Where any order shall have been made under this Act vesting the right to any stock or Government securities in any person or persons appointed by the High Court, such legal right shall vest accordingly, and thereupon the person or persons so appointed are hereby authorized and empowered to execute all deeds and powers of attorney, and to perform all acts relating to the transfer of such stock and Government securities into his or their own name or names or otherwise, or relating to the receipt of the dividends, interest or income thereof, to the extent and in conformity with the terms of such order. All companies and associations whatever, and all persons, shall be equally bound and compellable to comply with the requisitions of such person or persons so appointed as aforesaid to the extent and in conformity with the terms of such order as such companies, associations, or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made, and shall be equally indemnified in complying with the requisition of such person or persons so appointed as they would have been indemnified in complying with the requisition of the person in whose place such appointment shall have been made. After notice in writing of any such order of the High Court concerning any stock or Government securities shall have been given, it shall not be lawful for any company or association, or any person having received such notice, to act upon the requisition of the person in whose place an appointment shall have been made, in any matter relating to the transfer of such stock or Government securities, or the payment of the dividends, interest or income thereof.

26. Where any order shall have been made under this Act by the High Court vesting the legal right to sue for or recover anything in action, or any interest in respect thereof in any person or persons such legal right shall vest

accordingly; and thereupon it shall be lawful for the person or persons so appointed to carry on commence and prosecute, in his or their own name of names, any suit or other proceeding for the recovery of such thing in action, in the same manner in all respects as the person in whose place an appointment shall have been made could have sued for or recovered such thing in action.

27. Where any person shall neglect or refuse to transfer any stock of Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover any thing in action, or any interest in respect thereof, for the space of twenty-eight days next after an order of the High Court for that purpose shall have been served upon him, it shall be lawful for the said Court to make an order vesting all the right of such person to transfer such stock or Government securities, or to receive the dividends, interest, or income thereof, or to sue and recover such thing in action, or any interest in respect thereof, in such person or persons as the said Court may appoint.

28. When any stock or Government securities shall be standing in the sole name of a deceased person, and his executor or administrator shall refuse or neglect to transfer such stock or Government securities, or receive the dividends, interest or income thereof for the space of twenty-eight days next after an order of the High Court for that purpose shall have been served upon him, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, in any person or persons whom the said Court may appoint.

29. When any order being or purporting to be made by the High Court, vesting the right to any stock or Government securities, or vesting the right to transfer any stock or Government securities, or vesting the right to call for the transfer of any stock or Government securities in any person or persons, in every such case the legal right to transfer such stock or Government securities shall vest accordingly; and the person or persons so appointed shall be authorized and empowered to execute all deeds and powers of attorney, and to perform all acts relating to the transfer of such stock or Government securities into his or their own name or names or otherwise, to the extent and in conformity with the terms of the order. All companies and associations, and all persons, shall be equally bound and compellable to comply with the requisitions of such person or persons so appointed as aforesaid, to the extent and in conformity with the terms of such order, as such companies, associations or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made.

30. When any minor shall be solely entitled to any stock or Government securities upon any trust, it shall be lawful for the High Court to make an order vesting in any person or persons

When stock, &c., is standing in the name of a deceased person.

On neglect to transfer stock, &c., for 28 days, order may be made vesting right to transfer in such person as the Court shall appoint.

Effect of an order vesting the legal right to transfer stock, &c.

On like neglect by executor similar order may be made.

Companies and associations to comply with such orders.

Power to make an order for the transfer or receipt of dividends of stock, &c., in name of a minor Trustee.

the right to transfer such stock or Government securities or to receive the dividends, interest or income thereof. When any minor shall be entitled jointly with any other person or persons to any stock or Government securities upon any trust, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities or to receive the dividends, interest or income thereof, either in the person or persons jointly entitled with the minor, or in him or them together with any other person or persons the said Court may appoint.

31. When a decree or order shall have been made by the High Court directing the sale of any immoveable property for the payment of the debts of a deceased person, every person holding such property, or entitled to a contingent right therein, as heir, or under the will of such deceased debtor, shall be deemed so to hold or be entitled (as the case may be) upon a trust within the meaning of this Act: and the High Court is hereby empowered to make an order wholly discharging the contingent right under the will of such deceased debtor of any unborn person.

32. When any decree or order shall have been made by the High Court, whether before or after the passing of this Act, directing the sale of any immoveable property for any purpose whatever, every person holding such property, or entitled to a contingent right therein, being a party to the suit or proceeding in which such decree or order shall have been made and bound thereby, or being otherwise bound by such decree or order, shall be deemed so to hold or be entitled (as the case may be) upon a trust within the meaning of this Act. In every such case it shall be lawful for the High Court, if the said Court shall think it expedient for the purpose of carrying such sale into effect, to make an order vesting such property or any part thereof, for such estate as the Court shall think fit, either in any purchaser or in such other person as the Court shall direct. Every such order shall have the same effect as if the person so holding or entitled had been free from all disability, and had duly executed all proper conveyances and assignments of such property for such estate.

33. Where any decree or order shall be made by the High Court for the specific performance of a contract concerning any immoveable property, or for the partition or exchange of any immoveable property, or generally when any decree shall be made for the conveyance of any immoveable property, either in cases arising out of the doctrine of election or otherwise, it shall be lawful for the said Court to declare that any of the parties to the said suit wherein such decree is made are trustees of such property or any part thereof, within the meaning of this Act, or to declare concerning the interests of unborn persons who might claim under any party to the said suit, or under the will or voluntary settlement of any person deceased who was during his life-time a party to the contract or transactions concerning which such decree is made that such interests of unborn persons are the interests of persons who, upon

coming into existence, would be trustees within the meaning of this Act. Thereupon it shall be lawful for the High Court to make such order or orders as to the estates, rights, and interests of such persons born or unborn, as the said Court might, under the provisions of this Act, make concerning the estates, rights, and interests of trustees born or unborn.

34. It shall be lawful for the High Court to make declarations and give directions concerning the manner in which the right to any stock, Government securities or thing in action vested under the provisions of this Act shall be exercised, and thereupon the person or persons in whom such right shall be vested shall be compellable to obey such directions and declarations by the same process as that by which other orders under this Act are enforced.

35. In all cases in which it shall be expedient to appoint a new Trustee or new Trustees, and it shall be found inexpedient, difficult or impracticable so to do without the assistance of the High Court, it shall be lawful for the said Court to make an order appointing a new Trustee or new Trustees, whether there be any existing Trustee or Trustees or not at the time of making such order, and if there be such Trustee or Trustees either in substitution for or in addition to him or them. The person or persons who, upon the making of such order shall be Trustee or Trustees, shall have the same rights and powers as he or they would have had if appointed by decree in a suit duly instituted.

36. It shall be lawful for the High Court, upon making any order for appointing a new Trustee or new Trustees, either by the same or by any subsequent order, to direct that any immoveable property subject to the trust shall vest in the person or persons who upon the appointment shall be the Trustee or Trustees for such estate as the Court shall direct. Such order shall have the same effect as if the person or persons who, before such order, was or were the Trustee or Trustees (if any) had duly executed all proper conveyances of such property for such estate.

37. It shall be lawful for the High Court, upon making any order for appointing a new Trustee or new Trustees, either by the same or by any subsequent order, to vest the right to call for a transfer of any stock or Government securities subject to the trust, or to receive the dividends, interest or income thereof, or to sue for or recover any thing in action, subject to the trust or any interest in respect thereof, in the person or persons who upon the appointment shall be the Trustee or Trustees.

38. Any such appointment by the High Court of new Trustees, and any such conveyance or transfer as aforesaid, shall operate no further or otherwise as a discharge to any former or continuing Trustee, than as appointment of new Trustees under any power for that

When a decree is made for sale of immoveable property for payment of debts.

High Court may make an order for vesting the estate in lieu of conveyance by a party to the suit after a decree or order for sale.

Court to declare what parties are Trustees of immoveable property comprised in any suit, and as to the interests of persons unborn.

Power to make directions how the right to transfer stock shall be exercised.

Power to Court to make order appointing new Trustees.

New Trustees to have powers of Trustees appointed by decree in suit.

Power to Court to vest immoveable property in new Trustees.

Power to Court to vest right to sue in new Trustees.

Old Trustees not to be discharged from liability.

purpose contained in any instrument would have done.

39. An order under any of the hereinbefore contained provisions, for the appointment of a new Trustee or new Trustees, or concerning any immoveable property, stock, or Government securities, or thing in action subject to a trust, may be made upon the application of any person beneficially interested in such immoveable property, stock, Government securities, or thing in action, whether under disability or not, or upon the application of any person duly appointed as a Trustee thereof; and an order under any of the provisions hereinbefore contained concerning any immoveable property, stock, Government securities, or thing in action subject to a mortgage, may be made on the application of any person beneficially interested in the equity of redemption, whether under disability or not, or of any person interested in the monies secured by such mortgage.

40. When any person shall deem himself entitled to an order under any of the provisions hereinbefore contained, it shall be lawful for him to present a petition to the High Court for such order as he may deem himself entitled to, and he may give evidence by affidavit or otherwise in support of such petition before the said Court, and may serve such person or persons with notice of such petition as he may deem entitled to service thereof.

41. Upon the hearing of any such petition it shall be lawful for the said High Court, should it be deemed necessary, to direct a reference to one of the Judges of the Court to inquire into any facts which require such an investigation, or it shall be lawful for the said Court to direct such petition to stand over, to enable the petitioner to adduce evidence or further evidence before the Court, or to enable notice or any further notice of such petition to be served upon any person or persons.

42. Upon the hearing of any such petition, it shall be lawful for the High Court to dismiss such petition with or without costs, or to make an order thereupon in conformity with the provisions of the Act.

43. Whenever in any cause or matter, either by the evidence adduced therein, or by the admissions of the parties, or by report of one of the Judges of the Court, the facts necessary for an order under this Act shall appear to the High Court to be sufficiently proved, it shall be lawful for the said Court, either upon the hearing of the said cause or of any petition or application in the said cause or matter, to make such order under this Act.

44. Whenever any order shall be made under this Act by the High Court, for the purpose of conveying any immoveable property, or for the purpose of releasing or disposing of any contingent right, and such order shall be founded on an allegation of the personal incapacity of a Trustee or Mortgagee or on an allegation that a Trustee or the heir or devisee of a Mortgagee is out of the jurisdiction of the High Court or cannot be found, or that it

is uncertain which of several Trustees, or which of several devisees of a Mortgagee, was the survivor, or whether the last Trustee, or the heir, or last surviving devisee of a Mortgagee, be living or dead, or on an allegation that any Trustee or Mortgagee has died intestate without an heir or has died, and it is not known who is his heir or devisee, then in any of such cases the fact that the High Court has made an order upon such an allegation, shall be conclusive evidence of the matter so alleged in any Court of Civil Judicature upon any question as to the legal validity of the order: Provided always that nothing herein contained shall prevent the High Court directing a re-conveyance of any immoveable property conveyed or assigned by any order under this Act, or a re-disposition of any contingent right conveyed or disposed of by such order; and it shall be lawful for the said Court to direct any of the parties to any suit concerning such property or contingent right, to pay any costs occasioned by the order under this Act, when the same shall appear to have been improperly obtained.

45. It shall be lawful for the High Court to exercise the powers herein conferred for the purpose of vesting any immoveable property, stock, Government securities, or thing in action in the Trustee or Trustees of any charity or society over which charity or society the High Court would have jurisdiction upon suit duly instituted, whether such Trustee or Trustees shall have been duly appointed by any power contained in any deed or instrument, or by the decree of the said Court, or by order made upon a petition to the said Court.

46. Where any minor or person of unsound mind shall be entitled to any money payable in discharge of any immoveable property, stock, Government securities, or thing in action conveyed or transferred under this Act, it shall be lawful for the person by whom such money is payable to pay the same into the High Court in trust in any cause then depending concerning such money, or if there shall be no such cause, to the credit of such minor or person of unsound mind, subject to the order or disposition of the said Court; and it shall be lawful for the said Court, upon petition in a summary way, to order any money so paid to be invested in Government securities, and to order payment or distribution thereof, or payment of the dividends or interest thereof, as to the said Court shall seem reasonable.

47. Where in any suit commenced or to be commenced in the High Court it shall be made to appear to the Court that diligent search and enquiry have been made after any person made a defendant, who is only a Trustee, to serve him with the process of the Court, and that he cannot be found, it shall be lawful for the said Court to hear and determine such cause, and to make such absolute decree therein against every person who shall appear to it to be only a Trustee, and not otherwise concerned in interest in the matter in question, in such and the same manner as if such Trustee had been duly served with the process of the Court, and had appeared at the hearing of such cause: Provided always,

that not such decree shall bind, affect, or in any wise prejudice any person against whom the same shall be made, without service of process upon him as aforesaid, his heirs, executors, or administrators for or in respect of any estate, right or interest which such person shall have at the time of making such decree for his own use or benefit or otherwise than as a Trustee as aforesaid.

48. Every order to be made under this Act, which shall have the effect of a conveyance of any immovable property, or a transfer of any such stock, Government securities, or thing in action as can only be transferred by stamped deed, or for the transfer of which a stamp is necessary, shall be chargeable with the like amount of stamp duty as it would have been chargeable with if it had been a deed executed or a transfer made by the person or persons holding such property or entitled to such stock, Government securities, or thing in action. Every such order shall be duly stamped for denoting the payment of the said duty.

49. The High Court may order the costs and expenses of and relating to the petitions, orders, directions, conveyances and transfer to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the immovable or moveable property, or the rents or produce thereof, in respect of which the same respectively shall be made, or in such manner as as the said Court shall think proper.

50. Upon any petition being presented under this Act to the High Court concerning a person of unsound mind, it shall be lawful for the said Court to make an order directing an enquiry whether such person is or is not of unsound mind, and incapable of managing himself and his affairs. Such order shall have the same effect as the like order made under Section 1 of Act XXXIV of 1858 (*to regulate proceedings in Lunacy in the Courts of Judicature established by Royal Charter*), and the enquiry directed to be made shall be made in all respects in the manner declared and prescribed for making an enquiry under the last-mentioned Act. The High Court may postpone making any order upon the petition presented as aforesaid, until any enquiry so directed to be made shall have been finally concluded.

51. Upon any petition under this Act being presented to the High Court, it shall be lawful for the said Court to postpone making any order upon such petition, until the right of the petitioner shall have been declared in a suit duly instituted for that purpose.

52. Every order made or purporting to be made under this Act by the High Court shall be a complete indemnity to all persons whatsoever for any act done pursuant thereto; and it shall not be necessary for such persons to enquire concerning the propriety of such order, or whether the High Court has jurisdiction to make the same.

53. Any order made by the High Court under this Act shall have the same effect and be executed in the same manner as a decree.

Short Title.
54. This Act may be cited as "The Indian Trustee Act, 1866."

55. On and after the first day of February 1867 (but not till then), the powers and authorities given by this Act to the High Courts, shall and may be exercised by the Court, of Judicature of the Settlement of Prince of Wales' Island, Singapore, and Malacca, with respect to moveable and immovable property within the local limits of the jurisdiction of that Court; and, in the said Settlement, Section 2 of this Act shall be read as if the words and figures "first day of February 1867," were substituted for the words and figures "first day of January 1866."

WHITLEY STOKES.
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information:—

ACT No. XXVIII OF 1866.

To give to Trustees, Mortgagees and others, in cases to which English Law is applicable, certain powers now commonly inserted in Settlements, Mortgages, and Wills, and to amend the Law of property and relieve Trustees.

WHEREAS it is expedient that in cases to which English law is applicable certain powers and provisions usually inserted in Settlements, Mortgages, Wills, and other Instruments, should be made incident to the estates of the persons interested, so as to dispense with the necessity of inserting the same in terms in every such Instrument, and that in such cases Trustees should be relieved; It is enacted as follows:—

1. In the construction of this Act, unless there be something repugnant in the subject or context, "Immovable property" shall include land, any benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth:

"Mortgage" shall be taken to include every instrument by virtue whereof immovable property is in any manner conveyed, pledged, or charged as security for the repayment of money or money's worth lent, and to be re-conveyed, or released on satisfaction of the debt:

"Mortgagor" shall be taken to include every person by whom any such conveyance, pledge, or charge as aforesaid shall be made:

"Mortgagee" shall be taken to include every person to whom or in whose favor any such conveyance, pledge, or charge as aforesaid is made or transferred: and

"High Court" means any Court established or to be established under Statute 24 and 25 Vic. Cap. 104, and includes the Chief Court of the Punjab

and the Court of the Judicature of the Settlement of Prince of Wales' Island, Singapore and Malacca.

Powers of Trustees for sale, &c., and Trustees of renewable leaseholds.

2. In all cases whereby any will, deed or other instrument of settlement it is expressly declared that trustees or other persons therein named or indicated shall have a power of sale, either generally or in any particular event, over any immovable property named or referred to in, or from time to time subject to, the uses or trusts of such will, deed or other instrument, it shall be lawful for such trustees or other persons, whether such property be vested in them or not, to exercise such power of sale by selling such property either together or in lots, and either by public auction or private contract, and either at one time or at several times.

3. It shall be lawful for the persons making any such sale to insert any such special or other stipulations, either as to title or evidence of title, or otherwise, in any conditions of sale, or contract for sale, as they shall think fit; and also to buy in the property or any part thereof at any sale by auction, and to rescind or vary any contract for sale, and to re-sell the property which shall be so bought in, or as to which the contract shall be so rescinded, without being responsible for any loss which may be occasioned thereby; and no purchaser under any such sale shall be bound to enquire whether the persons making the same may or may not have in contemplation any particular re-investment of the purchase-money in the purchase of any other property or otherwise.

4. For the purpose of completing any such sale as aforesaid, the persons empowered to sell as aforesaid shall have full power to convey or otherwise dispose of the property in question, in such manner as may be necessary.

5. The money so received upon any sale as aforesaid shall be laid out in the manner indicated in that behalf in the will, deed or instrument containing the power of sale; and until the money to be received upon any sale as aforesaid shall be so disposed of, the same shall be invested at interest in Government securities for the benefit of such persons as would be entitled to the benefit of the money and the interest and profits thereof, in case such money were then actually laid out as aforesaid: Provided that if the will, deed or instrument shall contain no such indication, the persons empowered to sell as aforesaid shall invest the money so received upon any such sale in their names upon Government securities in India, and the interest of such securities shall be paid and applied to such person or persons for such purposes and, in such manner as the rents and profits of the property sold as aforesaid would have been payable or applicable in case such sale had not been made.

Powers of Mortgagees.

6. Where any principal money is secured or charged by deed on any immovable property, or on any interest therein, the person to whom such money shall for the time being be payable, his executors, administrators and assigns, shall, at any time after the expiration of one year from the time when such principal money shall have been in arrear for six months, or after any omission to pay premium on any insurance which by the terms of the deed ought to be paid by the person entitled to the property subject to the charge, have the following powers to the same extent (but no more) as if they had been in terms conferred by the person creating the charge, namely,—

Powers incident to mortgages.

1st.—A power to sell or concur with any other person in selling the whole or any part of the property by public auction or private contract, subject to any reasonable conditions he may think fit to make, and to rescind or vary contracts for sale, or buy in and re-sell the property, from time to time, in like manner:

2nd.—A power to appoint or obtain the appointment of a receiver of the rents and profits of the whole or any part of the property in manner hereinafter mentioned.

7. Receipts for purchase money given by the person or persons exercising the power of sale hereby conferred, shall be sufficient discharges to the purchasers, who shall not be bound to see to the application of such purchase money.

8. No such sale as last aforesaid shall be made until after six months' notice in writing given to the person or one of the persons entitled to the property subject to the charge, or affixed on some conspicuous part of such property; but when a sale has been effected in professed exercise of the powers hereby conferred, the title of the purchaser shall not be liable to be impeached on the ground that no case had arisen to authorize the exercise of such power, or that no such notice as aforesaid had been given; but any person damaged by any such unauthorized exercise of such power, shall have his remedy in damages against the person or persons selling.

9. The money arising by any sale effected as aforesaid shall be applied by the person receiving the same as follows:—*first*, in payment of all the expenses incident to the sale or incurred in any attempted sale; *secondly*, in discharge of all interest and costs then due in respect of the charge in consequence whereof the sale was made; and *thirdly*, in discharge of all the principal monies then due in respect of such charge; and the residue of such money shall be paid to the person entitled to the property subject to the charge, his executors, administrators or assigns, as the case may be.

10. The person exercising the power of sale hereby conferred shall have power by deed to convey or assign to and vest in the purchaser the property sold, for all the estate and interest therein which the person who created the charge had power to dispose of: Provided that nothing herein contained shall be construed to

Receipts for purchase money sufficient discharges.

Notice to be given before sale; but purchaser relieved from enquiry as to circumstances of sale.

Application of purchase money.

Conveyance to the purchaser.

Trustees empowered to sell, may sell in lots, and either by public auction or private contract.

Sale may be made under special conditions, and trustees may buy in, &c.

Trustees exercising power of sale, &c., empowered to convey.

Money arising from sales, to be laid out in the manner indicated in the will, &c.

Until it is so laid out, money to be invested in Government securities.

authorize the mortgage of a term of years to sell and convey the fee simple of the property comprised therein in cases where the mortgagor could have disposed of such fee simple at the date of the mortgage.

11. At any time after the power of sale hereby conferred shall have become exercisable, the person entitled to exercise the same shall be entitled to demand and recover from the person entitled to the property subject to the charge, all the deeds and documents in his possession or power relating to the same property, or to the title thereto, which he would have been entitled to demand and recover if the same property had been conveyed, appointed or surrendered to and were then vested in him for all the estate and interest which the person creating the charge had power to dispose of; and where the legal estate shall be outstanding in a trustee, the person entitled to a charge created by a person equitably entitled, or any purchaser from such person, shall be entitled to call for a conveyance of the legal estate to the same extent as the person creating the charge could have called for such a conveyance if the charge had not been made.

12. Any person entitled to appoint or obtain the appointment of a receiver as aforesaid, may from time to time, if any person or persons has or have been named in the deed of charge for that purpose, appoint such person or any one of such persons to be receiver, or if no person be so named, then may by writing delivered to the person or any one of the persons entitled to the property subject to the charge, or affixed on some conspicuous part of the property, require such last-mentioned person or persons to appoint a fit and proper person as receiver, and if no such appointment be made within ten days after such requisition, then may in writing appoint any person he may think fit. No person shall be ineligible for the office of receiver merely because he is an officer of the High Court.

13. Every receiver appointed as aforesaid shall be deemed to be the agent of the person entitled to the property subject to the charge, who shall be solely responsible for his acts or defaults, unless otherwise provided for in the charge.

14. Every receiver appointed as aforesaid shall have power to demand and recover and give effectual receipts for all the rents, issues and profits of the property of which he is appointed receiver by suit, distress, or otherwise, in the name either of the person entitled to the property subject to the charge, or of the person entitled to the money secured by the charge, to the full extent of the estate or interest which the person who created the charge had power to dispose of.

15. Every receiver appointed as aforesaid may be removed by the like authority, or on the like requisition as before provided with respect to the original appointment of a re-

ceiver, and new receivers may be appointed from time to time.

16. Every receiver appointed as aforesaid shall be entitled to retain out of any money received by him, in lieu of all costs, charges, and expenses whatsoever, such a commission, not exceeding five per centum on the gross amount of all money received, as shall be specified in his appointment, and if no amount shall be so specified, then five per centum on such gross amount.

17. Every receiver appointed as aforesaid shall, if so directed in writing by the person entitled to the money secured by the charge, insure and keep insured from loss or damage by fire, out of the money received by him, the whole or any part of the property included in the charge which is in its nature insurable.

18. Every receiver appointed as aforesaid shall pay and apply all the money received by him in the first place in discharge of Government revenue and of all taxes, rates, and assessments whatever, and in payment of his commission as aforesaid, and of the premiums on the insurances, if any; and in the next place in payment of all the interest accruing due in respect of any principal money then charged on the property over which he is receiver, or on any part thereof; and, subject as aforesaid, shall pay all the residue of such money to the person for the time being entitled to the property subject to the charge, his executors, administrators or assigns.

19. The powers and provisions contained in Sections 6 to 18 of this Act, both inclusive, relate only to mortgages or charges made to secure money advanced or to be advanced by way of loan, or to secure an existing or future debt.

Leases.

20. Where any license to do any act which without such license would create a forfeiture, or give a right to re-enter, under a condition or power reserved in any lease heretofore granted or to be hereafter granted, shall, at any time after this Act comes into operation, be given to any lessee or his assigns every such license shall, unless otherwise expressed, extend only to permission actually given, or to any specific breach of any proviso or covenant made or to be made, or to the actual assignment, under-lease or other matter thereby specifically authorized to be done, but not so as to prevent any proceeding for any subsequent breach (unless otherwise specified in such license); and all rights under covenants and powers of forfeiture and re-entry in the lease contained shall remain in full force and shall be liable as against any subsequent breach of covenant or condition, assignment, under-lease, or other matter not specifically authorized or made punishable by such license, in the same manner as if no such license had been given; and the same

tion or right of re-entry shall be and remain in all respects as if such license had not been given, except in respect of the particular matter authorized to be done.

21. Where in any lease heretofore granted or to be hereafter granted, there is or shall be a power or condition of re-entry on assigning or under-letting, or doing any other specified act without license, and a license at any time after the passing of this Act shall be given to one of several lessees or co-owners to assign or under-let his share or interest; or to do any other act prohibited to be done without license, or shall be given to any lessee or owner, or any one of several lessees or owners, to assign or under-let part only of the property, or to do any other such act as aforesaid in respect of part only of such property, such license shall not operate to destroy or extinguish the right of re-entry in case of any breach of the covenant or condition by the co-lessee or co-lessees, or owner or owners, of the other shares or interests in the property, or by the lessee or owner of the rest of the property (as the case may be) over or in respect of such shares or interests or remaining property, but such right of re-entry shall remain in full force over or in respect of the shares or interests or property not the subject of such license.

22. Where the reversion upon a lease is severed, and the rent or other reservation is legally apportioned, the assignee of each part of the reversion shall, in respect of the apportioned rent or other reservation allotted or belonging to him, have and be entitled to the benefit of all conditions or powers of re-entry for non-payment of the original rent or other reservation, in like manner as if such conditions or powers had been reserved to him as incident to his part of the reversion in respect of the apportioned rent or other reservation allotted or belonging to him.

Rent Charges.

23. The release from a rent-charge of part of the immoveable property charged therewith shall not extinguish the whole rent-charge, but shall operate only to bar the right to recover any part of the rent-charge out of the property released, without prejudice nevertheless to the rights of all persons interested in the property remaining unreleased, and not concurring in or confirming the release.

Powers.

24. A deed hereafter executed in the presence of and attested by two or more witnesses in the manner which deeds are ordinarily executed and attested, shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by deed or by any instrument in writing not testamentary, notwithstanding it shall have been expressly required that a deed or instrument in writing made in exercise of such power should be executed or at-

tested with some additional or other form of execution or attestation or solemnity: Provided always, that this provision shall not operate to defeat any direction in the instrument creating the power that the consent of any particular person shall be necessary to a valid execution, or that any act shall be performed in order to give validity to appointment, having no relation to the mode of executing and attesting the instrument: and nothing herein contained shall prevent the donee of a power from executing it conformably to the power by writing or otherwise than by an instrument executed and attested as an ordinary deed, and to any such execution of a power this provision shall not extend.

25. Whereby any will which shall come into operation after the passing of this Act, the testator shall have charged his immoveable property or any specific portion thereof with the payment of his debts, or with the payment of and legacy or other specific sum of money, and shall have bequeathed the property so charged to any trustee or trustees for the whole of his estate or interest therein, and shall not have made any express provision for the raising of such debt, legacy, or sum of money out of such property, it shall be lawful for the said legatee or legatees in trust, notwithstanding any trusts actually declared by the testator, to raise such debts, legacy, or money as aforesaid by sale and absolute disposition by public auction or private contract, of the said property or any part thereof, or by a mortgage of the same, or partly in one mode and partly in the other; and any deed or deeds of mortgage so executed may reserve such rate of interest and fix such period or periods of repayment as the person or persons executing the same shall think proper.

26. The powers conferred by the last preceding Section shall extend to all and every person or persons in whom the property bequeathed in trust shall for the time being be vested by survivorship, or under the laws relating to intestate or testamentary succession, or to any person or persons who may be appointed under any Power in the will, or by the High Court, to succeed to the trusteeship vested in such legatee or legatees in trust as aforesaid.

27. If any testator who shall have created such a charge as is described in Section 25 of this Act, shall not have bequeathed the property charged as aforesaid in such terms as that his whole estate and interest therein shall become vested in any trustee or trustees, the executor or executors (if any for the time being named in such will, shall have the same or the like power of raising the said monies as is hereinbefore vested in the legatee or legatees in trust of the said property, an such power shall from time to time devolve on and become vested in the person or persons (if any) in whom the executorship shall for the time being be vested.

28. Purchasers or mortgagees shall not be bound to enquire whether the powers conferred by Sections 25, 26 and 27 of this Act, or any of them, shall have been duly and correctly exercised by the person or persons acting in virtue thereof.

Inheritance.

29. In cases of intestacies occurring before the first day of January 1866, where there shall be a total failure of any immoveable property shall be descendible as if an ancestor had been the purchaser thereof, and there shall be a total failure of the heirs of such ancestor, then and in every such case the property shall descend, and the descent shall thenceforth be traced from the person last entitled to the property as if he had been the purchaser thereof. This Section shall be read as part of Act No. XXX of 1839 (for the amendment of the law of inheritance).

Assignment of Moveables and Terms for years.

30. Any person shall have power to assign moveable property now by law assignable, terms for years of immoveable property, and estates by *elegit*, directly to himself and another person or other persons or corporation, by the like means as he might assign the same to another.

Purchasers.

31. The *bona fide* payment to and the receipt of any person to whom any purchase or mortgage money shall be payable upon any express or implied trust, shall effectually discharge the person paying the same from seeing to the application, or being answerable for the misapplication thereof.

Investment of Trust Funds.

32. Trustees having trust money in their hands which it is their duty to invest at interest, shall be at liberty, at their discretion, to invest the same in any Government securities, and trustees shall also be at liberty, at their discretion, to call in any trust funds invested in any other securities than as aforesaid, and to invest the same on any such securities as aforesaid, and also from time to time, at their discretion, to vary any such investments as aforesaid for others of the same nature: Provided always, that no such original investment as aforesaid, and no such charge of investment as aforesaid, shall be made where there is a person under no disability entitled in possession to receive the income of the trust fund for his life, or for a term of years determinable with his life, or for any greater estate, without the consent in writing of such person.

Trustees and Executors.

33. In all cases where any property is held by trustees in trust for a minor, either absolutely or contingently on his at-

taining majority, or on the occurrence of any event previously to his attaining majority, it shall be lawful for such trustees, at their sole discretion, to pay to the guardians (if any) of such minor, or otherwise to apply for or towards the maintenance or education of such minor, the whole or any part of the income to which such minor may be entitled in respect of such property, whether there be any other fund applicable to the same purpose, or any other person bound by law to provide for such maintenance or education, or not; and such trustees shall accumulate all the residue of such income by way of compound interest, by investing the same and the resulting income thereof from time to time in proper securities, for the benefit of the person who shall ultimately become entitled to the property from which such accumulations shall have arisen. Provided always, that it shall be lawful for such trustees at any time, if it shall appear to them expedient, to apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

34. Whenever any trustee, either original or substituted, and whether appointed by any High Court or otherwise, shall die, or be six months absent from British India, or desire to be discharged from or refuse, or become unfit or incapable to act in the trusts or powers in him reposed, before the same shall have been fully discharged and reformed, it shall be lawful for the person or persons nominated for that purpose by the deed, will, or other instrument creating the trust (if any, or if there be no such person, able and willing to act, then for the surviving or continuing trustees or trustee for the time being, or the acting executors or executor, or administrators or administrator of the last surviving and continuing trustee, or for the retiring trustees, if they shall all retire simultaneously, or for the last retiring trustee, or where there are two more classes of trustees of the instrument creating the trust, then for the surviving or continuing trustees or trustee of the class in which any such vacancy or disqualification shall occur (and for this purpose any refusing or retiring trustee shall, if willing to act in the execution of the power, be considered a continuing trustee) by writing, to appoint any other person or persons to be a trustee or trustees in the place of the trustee or trustees so dying or being absent from British India, or desiring to be discharged, or refusing or becoming unfit or incapable to act as aforesaid. So often as any new trustee or trustees shall be so appointed as aforesaid, all the trust property (if any which for the time being shall be vested in the surviving or continuing trustees or trustee, or in the heirs, executors, or administrators of any trustee, shall with all convenient speed be conveyed and transferred so that the same may be legally and effectually vested in such new trustee or trustees, either solely or jointly with the surviving or continuing trustees or trustee, as the case may require. Every new trustee to be appointed as aforesaid, as well before as after such conveyance or transfer as aforesaid, and also every trustee appointed by any High Court either before or after the passing of this Act, shall have the same powers, authorities, and discretions, and shall in all respects as if he had been originally nominate a trustee by the deed,

will, or other instrument (if any) creating the trust. The Official Trustee may, with his consent and by the order of the High Court, be appointed under this Section in any case in which only one trustee is to be appointed, and such trustee is to be the sole trustee.

35. The power of appointing new trustees hereinbefore contained may be exercised in cases where a trustee nominated in a will has died in the life-time of the testator.

Appointment of new trustee in place of trustee predeceasing testator.

36. The receipts in writing of any trustees or trustee for any money payable to them or him by reason, or in the exercise, of any trusts or powers reposed or vested in them or him, shall be sufficient discharges for the money therein expressed to be received, and shall effectually exonerate the persons paying such money from seeing to the application thereof, or from being answerable for any loss or misapplication thereof.

Trustees' receipts to be discharges.

37. Every deed, will, or other instrument creating a trust either expressly or by implication, shall, without prejudice to the clauses actually contained therein, be deemed to

Every trust instrument to be deemed to contain clauses for the indemnity and reimbursement of the trustees.

contain a clause in the words or to the effect following, that is to say, "that the trustees or trustee for the time being of the said deed, will, or other instrument, shall be respectively chargeable only for such moneys, stocks, funds and securities as they shall respectively actually receive, notwithstanding their respectively signing any receipt for the sake of conformity, and shall be answerable and accountable only for their own acts, receipt, neglects, or defaults, and not for those of each other, nor for any banker, broker, or other person with whom any trust moneys or securities may be deposited, nor for the insufficiency or deficiency of any stocks, funds, or securities, nor for any other loss, unless the same shall happen through their own wilful default respectively; and also that it shall be lawful for the trustees or trustee for the time being of the said deed, will, or other instrument, to reimburse themselves or himself, or pay or discharge out of the trust premises all expenses incurred in or about the execution of the trusts or powers of the said deed, will, or other instrument."

38. It shall be lawful for any executors to pay any debts or claims upon any evidence that may think sufficient, and to accept any composition, or any security for any debts due to the deceased, and to allow any time for payment of any such debts as they shall think fit, and also to compromise, compound, or submit to arbitration all debts, accounts, claims, and things whatsoever relating to the estate of the deceased, and for any of the purposes aforesaid to enter into, give, and execute such agreements, instruments of composition, releases, and other things as they shall think expedient, without being responsible for any loss to be occasioned thereby.

Executors may compound, &c.

39. No trustee, executor, or administrator making any payment or doing any act *bona fide* under or in pursuance of any power of attorney, shall be liable for the moneys so paid or

Trustee, &c., making payment under power of attorney, not to be liable by reason of death of party giving such power.

the act so done, by reason that the person who gave the power of attorney was dead at the time of such payment or act, or had done some act to avoid the power: Provided that the fact of the death, or of the doing of such act as last aforesaid, at the time of such payment or act *bona fide* done as aforesaid, by such trustee, executor, or administrator, was not known to him. Provided always that nothing herein contained shall in any manner affect or prejudice the right of any person entitled to the money against the person to whom such payment shall have been made; but that such person so entitled shall have the same remedy against such person to whom such payment shall be made as he would have had against the trustee, executor or administrator, if the money had not been paid away under such power of attorney.

40. When an executor or administrator liable as such to the rents, cove-

As to liability of executor or administrator in respect of rents, covenants, or agreements.

nants, or agreements contained in any lease or agreement for a lease granted or assigned, whether before or after the passing of this Act, to the testator or intestator whose estate is being administered, shall have satisfied all such liabilities under the said lease, or agreement for a lease as may have accrued due and been claimed up to the time of the assignment hereinafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the lessee to be laid out on the property demised or agreed to be demised, although the period for laying out the same may not have arrived, and shall have assigned the lease or agreement for a lease to a purchaser thereof, he shall be at liberty to distribute the residuary estate of the deceased to and amongst the parties entitled thereto, respectively, without appropriating any part, or any further part (as the case may be) of the estate of the deceased to meet any future liability under the said lease or agreement for a lease. The executor or administrator so distributing the residuary estate shall not, after having assigned the said lease or agreement for a lease, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said lease or agreement for a lease. Nothing herein contained shall prejudice the right of the lessor or those claiming under him to follow the assets of the deceased into the hands of the person or persons to or amongst whom the said assets may have been distributed.

41. In like manner, where an executor or administrator liable as such to the rent, covenants, or agreements contained in any conveyance on chief rent or rent-charge (whether any such rent be by limitation of use, grant, or reservation,) or agreement for such conveyance, granted or assigned to or made and entered into with the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said convey-

As to liability of executor, &c., in respect of rents, &c., in conveyances on rent-charge.

ance or agreement for a conveyance, as may have accrued due and been claimed up to the time of the conveyance hereinafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the grantee to be laid out on the property conveyed, or agreed to be conveyed although the period for laying out the same may not have arrived, and shall have conveyed such property, or assigned the said agreement for such conveyance as aforesaid to a purchaser thereof, he shall be at liberty to distribute the residuary estate of the deceased to and amongst the parties entitled thereto, respectively, without appropriating any part or any further part (as the case may be) of such estate to meet any future liability under the said conveyance, or agreement for a conveyance. The executor or administrator so distributing the residuary estate shall not, after having made or executed such conveyance or assignment, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said conveyance, or agreement for conveyance. Nothing herein contained shall prejudice the right of the grantor, or those claiming under him, to follow the assets of the deceased into the hands of the person or persons to or among whom the said assets may have been distributed.

42. Where an executor or administrator shall have given such or the like notices, as in the opinion of the Court in which such executor or administrator is sought to be charged would have been given by the High Court in an administration suit, for creditors and others to send into the executor or administrator their claims against the estate of the testator or intestate, such executor or administrator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claims, be at liberty to distribute the assets of the testator or intestate, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which such executor or administrator has then notice, and shall not be liable for the assets or any part thereof so distributed to any person of whose claim such executor or administrator shall not have had notice at the time of distribution of the said assets or a part thereof, as the case may be. Nothing in the present Act contained shall prejudice the right of any creditor or claimant to follow the assets or any part thereof into the hands of the person or persons who may have received the same respectively.

43. Any trustee, executor, or administrator shall be at liberty, without the institution of a suit, to apply by petition to any Judge of the High Court for the opinion, advice or direction of such Judge on any question respecting the management of administration of the trust property or the assets of any testator or intestate. Such application shall be served upon or the hearing thereof shall be attended by all persons interested in such applica-

tion, or such of them as the said Judge shall think expedient. The trustee, executor or administrator acting upon the opinion, advice, or direction given by the said Judge shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, executor or administrator in the subject matter of the said application: Provided nevertheless, that this Act shall not extend to indemnify any trustee, executor, or administrator in respect of any act done in accordance with such opinion, advice or direction as aforesaid, if such trustee, executor or administrator shall have been guilty of any fraud or wilful concealment or misrepresentation in obtaining such opinion, advice or direction: and the costs of such application as aforesaid shall be in the discretion of the Judge to whom the said application shall be made.

General Provisions.

44. For the purposes of this Act, a person shall be deemed to be entitled to the possession, or to the receipt of the rents and income of immovable or moveable property, although his estate may be charged or incumbered, either by himself or by any former owner, or otherwise howsoever to any extent; but the estates or interests of the parties entitled to any such charge or incumbrance shall not be affected by the acts of the person entitled to the possession or to the receipt of the rents and income as aforesaid, unless they shall concur therein.

45. The provisions contained in this Act shall, except as hereinbefore otherwise provided, extend only to persons entitled or acting under a deed, will, codicil or other instrument executed after this Act comes into operation, or under a will or codicil confirmed or revived by a codicil executed after that date, and only to property in British India and to cases to which English law is applicable.

46. This Act may be called *The Trustees and Mortgagees' Powers Act, 1866.*

47. On and after the first day of February 1867, but not till then, this Act shall apply to the Settlement of Prince of Wales' Island, Singapore and Malacca; and, in the said Settlement, Section 29 of this Act shall be read as if the words and figures "first day of February 1867" were substituted for the words and figures "first day of January 1866."

WHITLEY STOKES,

*Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)*

ORDERS by the LIEUTENANT-GOVERNOR of BENGAL.

No. 2526.

APPOINTMENTS.

The 8th November 1866.—The following gentlemen are appointed to be Members of the Local Committee for the management of the Dispensary lately established at Nuldangah, viz. :—

- Baboo Poorna Chunder Gangooly.
- „ Hurish Chunder Ghose.
- „ Peary Mohun Mozoomdar.

The 13th November 1866.—Mr. A. H. James to be an Assistant Superintendent of Police in the Naga Hills. Mr. James is also appointed to be an Assistant Commissioner, and vested with the powers of a Magistrate and Deputy Collector in the Naga Hills.

The 15th November 1866.—Lieutenant C. Hayter, Assistant Commissioner, Luckimpore, is vested with the powers of a Magistrate in Assam.

The 19th November 1866.—Mr. H. Bell, Judge of the Principal Court of Small Causes of Jessore, is appointed to be also Judge of the Principal Court of Small Causes at Kishnaghur, and Judge of the Court of Small Causes at Santipore. In his capacity as Judge of the Principal Court of Small Causes at Kishnaghur, Mr. Bell is vested with controlling jurisdiction over the Courts of Small Causes at Meherpore, Kooshteah, and Choodan-gah, in the Nuddea District, and as Judge of the Principal Court of Small Causes of Jessore with the same authority over those at Jessore, Magoorah, Jenidah, and Nurail.

The 20th November 1866.—Dr. C. M. Russell to be Medical Officer of Rajshahye.

Dr. E. O. Wilson to be Medical Officer of Gya.

With the sanction of His Excellency the Governor General of India, the Lieutenant-Governor has been pleased to appoint the Hon'ble Ashley Eden to be a Member of the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations.

LEAVE OF ABSENCE.

The 14th November 1866.—Mr. F. R. Cockerell, Superintendent and Remembrancer of Legal Affairs, for two days, to enable him to re-join his appointment on his return from leave of absence to England.

Baboo Lakhinarain Mitter, Additional Principal Sudder Ameen of Mymensing, for two months, from the 8th ultimo, under the orders of the Right Hon'ble the Secretary of State for India, dated 8th November 1865, in lieu of the Dussarah leave granted to him under orders of the 28th September last.

The 15th November 1866.—Baboo Goorooopersad Sen, Special Sub-Registrar of Assurances at Patna, for one month, under paragraph 16 of the Uncovenanted Service Absentee Rules.

ERRATUM.

In the orders of the 2nd August last, published in the *Calcutta Gazette* of the 12th September following, notifying certain appointments in the Volunteer Corps in Assam, for "Mr. C. H. Tremearne," read "Mr. C. E. Tremearne."

NOTIFICATIONS.

The 5th November 1866.—The Lieutenant-Governor has been pleased to declare the under-mentioned Ferry public, under Regulation VI. of 1819, viz. :—

The Ferry over the Cossye River where the road passing westward through the District of Midnapore to Singbhoom and Dhalbhoom crosses that River.

The 15th November 1866.—Lieutenant J. Gregory, Assistant Commissioner, North Cachar, having returned on the 6th ultimo from the leave which was granted to him under orders of the 14th September last, and of which he availed himself on the 11th idem, the unexpired portion of that leave is cancelled.

The 20th November 1866.—The services of Dr. P. F. Bellew, Civil Surgeon of Rajshahye, are placed at the disposal of the Government of Fort St. George.

Mr. W. Gordon Young, Commissioner of Chit-tagong, having returned to his duties on the 2nd instant, from the leave which was granted to him under orders of the 16th July last, and 6th ultimo, and of which he availed himself on the 27th August, the unexpired portion of that leave is cancelled.

NOTIFICATION.

The 19th November 1866.—Under the provisions of Section XXIX., Act XI. of 1865, the Lieutenant-Governor of Bengal has been pleased to declare the Court of Small Causes at Kishnaghur to be the Principal Court of Small Causes in the District of Nuddea.

The following Order issued by the Government of India, in the Home Department, is re-published for general information :—

No. 526.—*Fort William, the 15th November 1866.*—The Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William, Mr. A. E. Russell, of the Civil Service, who returned from furlough on the 29th ultimo.

The following Orders issued by the Government of India, in the Military Department, are re-published for general information :—

No. 931.—*Agra, the 12th November 1866.*—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Richard Percival Davis, of the late 16th Regiment, Native In- fantry, District Superintendent of Police, Bengal	For 15 months, under the new Regulations.
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No. 932.—The undermentioned Officers have reported their return from England :—

*Date of Arrival
at Fort William.*

Assistant Surgeon T. E. Charles, M. D., of the Medical Department	30th October 1866.
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No. 942.—The undermentioned Officers are admitted to the Bengal Staff Corps, with effect from the 12th September 1866, under the provisions of G. G. O. No. 808 of the 26th idem, subject to confirmation by the Right Hon'ble the Secretary of State for India :—

Lieutenant (Brevet Captain) Archibald Edwards Campbell,
late 31st N. I.

Lieutenant (Brevet Captain) John Charles Campbell
Daunt, V. C., late 70th N. I.

Lieutenant Robert Cotton Money, late 32nd N. I.

No. 943.—The following promotions are made in the Bengal Staff Corps, from the dates specified, under the provisions of G. G. O. No. 808 of the 28th September 1866, subject to His Majesty's approval:—

TO BE CAPTAINS,

Having served 12 years.

Lieutenant (Brevet Captain) Archibald Edwards Campbell	...	} 12th September 1866.
Lieutenant (Brevet Captain) John Charles Campbell Daunt, v. c.	...	

NOTIFICATION.

The 2nd November 1866.—Whereas numerous dacoities and robberies have been of late committed in Nepalese territory by the inhabitants of certain frontier villages in the District of Chumparun, under the provisions of Section 15, Act V. of 1861, the Lieutenant-Governor is pleased to direct that a Police Force of one Head Constable and ten Constables, in excess of the ordinary fixed complement of the District, shall be quartered in the villages of Pakahce, Byjnathpore, Simree, and Amwa Tonwa within the jurisdiction of Thannah Dacca; and in the village of Murli within the jurisdiction of Thannah Motteeharee, in the District of Chumparun, the cost of the said excess force to be charged upon the inhabitants of the villages above named.

NOTIFICATION.

The 7th November 1866.—It is hereby notified that, pending the completion of the Sub-Divisional scheme for the Cuttack Division, the Lieutenant-Governor is pleased, as a temporary arrangement, to constitute in each of the three Districts composing that Division, a Sudder or Principal Sub-Division as follows:—

Names of Sub-Division.	Names of Thannahs comprised in each Sub-Division.
Cuttack Sudder Sub-Division.	Dhurrumsala and Salehpore.
Pooree Sudder Sub-Division.	Pooree and Nubba.
Balasore Sudder Sub-Division.	A. Division Balasore. C. Division Soroh and Basoodebpore.

The Joint-Magistrate, or where there is no Joint-Magistrate the Senior Officer exercising the full powers of Magistrate at the Sudder Station shall, unless any other Officer be specially appointed, be the Magistrate in charge of the Sudder or Principal Sub-Division of the District to which he stands appointed.

NOTIFICATION.

The 14th November 1866.—It is hereby notified, for general information, that the Lieutenant-Governor has sanctioned the revision of the Southern boundaries of the Motteeharee Thannah, in the Chumparun District, which, in lieu of the

boundary published in the *Calcutta Gazette* of the 14th June 1865, (page 1070), shall be the following:—

On the South, the Motteeharee Thannah is bounded by the villages of Phoolwareea, Bhteeta, Doom Dooma of Pursa, Raeputtee, Belwa, Mooda Chuprah, and thence by the Dhunowtee Nuddee to the village of Jysingpoor, and thence by the following villages, viz., Toorkwullea, Purnsrame poor, Churungulia, Moheeput Chuprah, Amwa-Jolehgawan, Koesuhur, Muthrapoor, Soorujpoor, Kaleepoor, Birrich-Burra, and Peeprah Kothee, and again the Dhunowtee Nuddee to the village of Dhekuba.

DECLARATION UNDER SECTION 2, ACT VI. OF 1857.

Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken for a public purpose, viz., for the site of Post Office at Moheshpore, it is hereby declared that, for the above purpose, a plot of land, measuring 2 cottahs, more or less, situated in Mouzah Jogiudoh alias Moheshpore, Pergunnah Sultanpore, District Nuddea, is required.

The Plot required is bounded on the North and West by the house of Bour Koley; East by public road; South by the shop of Kishto Chunder Poddar.

2. This Declaration is made, under the provisions of Act VI. of 1857, to all whom it may concern.

A. EDEN,

Secy. to the Govt. of Bengal.

Public Works Department,—Bengal.

AGRICULTURAL.

No. 253.

The 18th October 1866.

The following draft Rules having reference to the Kendrapara Canal and the First Section of the "High Level Canal" from Cuttack to Oolobarriah, are hereby published under the provisions of Section XI. of the "Canals" Act, 1864," (No. V., B. L. C.):—

I. Every vessel on entering either of the above Canals shall be liable to measurement for the purpose of ascertaining the amount of toll the vessel should pay, according to the schedule of rates authorized by Government to be charged on the Canal.

II. The tonnage of every vessel, whether laden or empty, shall, for the purposes of the "Canals" Act, 1864," and of these Rules, be determined by the following measurements:—

(a.) The product of half the length of the vessel from stem to stern measured along the water line, multiplied by the interior greatest breadth of the vessel, multiplied by the depth from the water

line to the bottom of the vessel, is to be taken as the number of maunds upon which toll shall be levied.

(b.) The measurement of the length is to be made in feet, rejecting inches, and the measurement of the breadth and depth in feet and quarters of feet, rejecting portions of less than a quarter of a foot.

(c.) In calculating the amount of toll to be levied on vessels exceeding 100 maunds tonnage, any fraction of 100 maunds less than 25 maunds is to be omitted; exceeding 25 and not exceeding 50 maunds, is to be charged as 25 maunds only; exceeding 50 and not exceeding 75 maunds to be charged as 50 maunds only; and exceeding 75 maunds, as 75 maunds only. Above one thousand maunds no fraction of 100 maunds tonnage is to be charged. Toll will be charged on vessels under 100 maunds tonnage on the actual measurements of the vessels, omitting fractions of tens of maunds.

III. Every vessel entering either of the above Canals shall be furnished with a ticket on paying the prescribed toll. The ticket shall specify the station at which it has been issued, the name of the person in charge of the vessel, the date the vessel entered the Canal, the point to which it may proceed in the Canal, the maundage of the vessel, the amount of toll charged, and the number of days for which the vessel may remain in the Canal, and the date of such last day. The number of days which the vessel may remain in the Canal without additional payment, shall be calculated at the rate of one day for every 8 miles, for portion of 8 miles, to be traversed.

IV. Toll may be paid at the first station either for the entire number of Toll Stations on the line of navigation, or for any less number of stations.

V. The tickets thus given may be demanded for inspection by any duly authorized Canal Officer, and must be kept on board and at hand for that purpose. They must be shewn at each Toll Station the vessel has to pass, as a passport that no further payment of toll is to be demanded. The tickets shall be delivered up at the last Toll Station.

VI. Owners of vessels may compound by the payment of a fixed sum, for the use of the whole or a portion of either of the above Canals for any period that may be agreed upon, not exceeding one year. Each vessel so compounded for shall be furnished with a ticket shewing the amount of toll paid, the period for which the toll has been compounded for, and the limits of the Canal within which the vessel may pass; such ticket shall be kept on board the vessel and shall be produced when required under Rule V., but shall be given up only on the date of the expiry of the period for which granted, and at the station from whence issued.

VII. Duplicates of lost tickets, of which the numbers and the dates of entry can be satisfactorily established will be granted by Officers in charge of Toll Stations on payment of a fee of one Rupee.

VIII. Vessels remaining in the Canals for a period exceeding that allowed under Rule III. will pay a demurrage of eight annas per 100 maunds per diem for each day or part of a day that they may remain in excess.

IX. No boats above 18 feet beam over all, and no rafts or floats of more than 10 feet width and 150 in length, will be allowed to enter the Canals.

X. It will not be compulsory for the locks to be opened to single vessels of less than 500 maunds burden, except in the case of mail or despatch boats; but the locks shall be opened for the passage of boats at least twice a day.

XI. Vessels must have their masts fitted so that they can be let down with ease and speed, and when under sail, vessels must always keep in the middle of the Canal; when being tracked, vessels are, as far as practicable, to keep to their port or left side of the Canals.

XII. All vessels anchoring at night are to keep to their port or left bank of the Canals.

XIII. Only one vessel shall be allowed to make fast along and in a line with the Canal banks, and no vessel shall be made fast, or be placed outside of vessels so secured, without the permission of a Canal Officer. No vessel shall, however, be placed in such a position as to endanger the safety of other vessels, to obstruct their passage, or to impede the navigation; and no bamboos or poles shall be allowed to be erected on vessels when at anchor. Any infringement of this rule will be punishable by a fine not exceeding Rupees 5 for each offence.

XIV. Every vessel when put to shall be securely fastened, and shall at all times have some person in attendance on board of it. Any infringement of this rule will be punishable by a fine not exceeding Rupees 5 for each offence.

XV. In every case of wreck or obstruction of the channel by sunken vessels, the Canal Officers may call upon the person in charge of the vessel to remove the same without delay, and shall give every reasonable assistance towards so doing. But should the owner of the vessel or raft be not forthcoming, or should he not use reasonable expedition in removing the obstruction, or should he decline or fail to use proper assistance which may be offered him by the Canal Officers, these Officers may undertake the removal of the obstruction themselves at the cost of the owner of the boat, recovering the expense in the manner laid down in Section IX. of the "Canals' Act, 1861."

XVI. If the Canal Officers be unable to ascertain the name and place of business or of abode of the owner of the cargo of any vessel or boat seized under the Canals' Act, he shall notify the seizure in the most public manner available.

XVII. In the event of any damage or injury being occasioned to the Canal works by wilfulness or negligence on the part of any person in charge of a vessel, the Canal Officers may detain the vessel within the Canal for a period not exceeding 24 hours, provided that within that period the Canal Officers shall lodge a complaint against such person in charge of the vessel before a Magistrate under Section XVI. of the Canals' Act.

XVIII. The banks or berms of the Canals shall not be used as wharves for the deposit of goods, under a penalty of 10 Rupees for each offence; but except in special cases, when the permission of the Canal Officers will be necessary, all articles shall be removed to the outer banks of the Canals, and all such articles as shall not be

finally removed from within the boundaries of the Canals within a period of six days after being so deposited, shall be liable to a charge of four annas per 100 mounds.

XIX. The Canals may be closed once a year, for effecting the necessary repairs to them, on one month's notice of the intention so to close them; but in the event of any sudden emergency, the Canals may be closed at any time without prior notice, and no claim shall be made in such case by owners of vessels or others for compensation on account of detention.

XX. All offences against the provisions of these Rules shall be punishable as provided for in Section XVIII. of the "Canals' Act, 1864," and all fines imposed may be recovered in the manner mentioned in Section XVII. of the same Act.

XXI. The term "Canal Officers" in the foregoing Rules shall include the persons alluded to in Section VIII. of the "Canals' Act, 1864," and any other persons who may be specially appointed to exercise such powers by the person appointed to collect the tolls.

ESTABLISHMENTS.

No. 286.

The 12th November 1866.

Transfers.—Mr. J. Paterson, Assistant Engineer, Third Grade, on probation, from the Berhampore to the Bhaugulpore Division.

Baboo Bissonath Chatterjee, Overseer, First Grade, from the Berhampore to the Bhaugulpore and Purneah Division.

No. 287.

The 14th November 1866.

Leave of Absence.—Mr. G. Philipps, Overseer, First Grade, attached to the Lower Assam Division, for three months, on Medical Certificate, under Sections 11 and 20, Rule I. of the Uncovenanted Service Absentee Regulations.

No. 288.

Transfer.—Mr. G. Philipps, Overseer, First Grade, from the Lower Assam Division to the Cuttack Circle.

No. 289.

Notifications.—The following Orders issued by the Government of India, Military Department, are re-published for information:—

No. 922 of the 10th November 1866.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs:—

* * * *

Lieutenant John Magee McNeile, of the Royal Engineers, Executive Engineer, Second Grade, Depart- ment Public Works, Bengal	For two years, under the new Regulations.
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No. 931 of the 12th November 1866.—The undermen-
tioned Officers are permitted to proceed to Europe on leave
of absence on Sick Certificate:—

Lieutenant-Colonel William Drum- mond Alexander Robertson Short, of the Royal Engineers, Superinten- ding Engineer, First Class, Depart- ment Public Works, Bengal	For twenty months, under the new Regulations.
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* * * *

No. 290.

The following Order issued by the Government
of India, Public Works Department, is re-pub-
lished for information:—

No. 6R. of the 5th November 1866.—The services of
Mr. J. F. Robinson, Officiating Deputy Controller of Public
Works Accounts, having been placed at the disposal of the
Government of Bombay, for employment as an Examiner
of Railway Accounts, his name is struck off the list of the
Public Works Establishment under the Government of
India, with effect from the 1st instant.

COMMUNICATIONS.—LOCAL.

No. 291.

The 20th November 1865.

Notification.—The following Rules having
reference to the undermentioned navigable channel
in the district of Dacca, viz:—The line of channel
connecting the Booreegunga with the Baloo River
near Teermoney have been passed this day by the
Lieutenant-Governor of Bengal under the provi-
sions of Sections XI. and XII. of "the Canals'
Act, (No. V., 1864," B. L. C.) :—

1. Every vessel on entering the above navi-
gable channel shall be liable to measurement
by the Officer in charge of the Toll Station, for
the purpose of ascertaining the amount of toll to
be levied.

2. The tonnage of every vessel, whether laden or empty, shall, for the purposes of the *Canals' Act* and of these Rules, be determined by the following measurements :—

(a.) The product of half the length of the vessel from the stem to stern measured along the water line, multiplied by the interior greatest breadth of the vessel, multiplied by the depth from the water line to the bottom of the vessel, is to be taken as the number of maunds on which toll shall be levied.

(b.) The measurement of the length is to be made in feet, rejecting inches. The measurement of the breadth and depth is to be made in feet and quarters of feet, rejecting portions of less than a quarter of a foot.

(c.) In calculating the amount of toll to be levied, any fraction of 100 maunds less than 50 maunds is to be omitted ; and a fraction exceeding 50 maunds is to be charged as 50 maunds only.

3. No raft will be admitted into the channel in excess of fifty feet in length or five feet in breadth. No timber, bamboos or grass will be admitted, except securely and compactly packed in the form of a raft.

4. Every vessel entering the channel shall, on paying the prescribed toll, be furnished with a ticket. The ticket will specify the date of entry, the maundage of the vessel, and the amount of toll paid, and must be produced whenever asked for by the Supervisor, or those duly authorized by him to do so. Payment at one Toll Station shall clear the vessel of the other Station, at which the ticket must be given up to the Toll Collector.

5. No vessels whatever, except such as are employed on works connected with the maintenance or improvement of the line of channel in question shall be exempted from paying toll.

6. Every vessel or raft which has paid toll shall be allowed three days to pass through the channel, the days of entering and leaving being both included ; and any vessel or raft remaining in any part of the channel longer than the period above fixed shall, for each day in excess of such period, be charged demurrage equal to one-half of the toll paid. Every vessel or raft remaining in the channel more than one month, without authority from the Supervisor, shall be subject to be summarily removed.

7. Any person infringing any of the above rules, or wilfully interfering in their enforcement, shall be liable, under Section XI. of the *Canals' Act*, to a fine not exceeding fifty Rupees for any one offence.

No 292.

The 20th November 1866.

Appointment.—The Collector of Dacca is appointed, under Sections VIII. and XIII. of Act V. of 1864 (B. L. C.) Collector of Tolls and Supervisor of the Canal specified in the aforementioned Notification, with effect from the date on which the provisions of the foregoing Act come into operation in those Canals.

No. 293.

Notification.—Captain F. S. Stanton, R. E., Officiating Superintending Engineer, South-Eastern Circle, is placed in charge, as a tempo-

rary measure, of the Presidency Circle, in addition to his own duties, with effect from the 9th instant.

No. 294.

Baboo Bhoobun Mohun Ghose, Accountant, Fourth Grade, attached to the Central Office of Account, Bengal, is transferred temporarily to the Local Establishment, under provisions of Section IV, Chapter I. of the Public Works Code, for employment as Divisional Accountant, Nuddea (Local Roads) Division.

J. E. T. NICOLLS, *Lieut.-Col., R. E.,*

Offy. Secy. to the Govt. of Bengal,

P. W. D.

Ecclesiastical.

THE Lord Bishop of Bombay, now exercising the jurisdiction and functions appertaining to the See of Calcutta, vacant by the demise of the Bishop thereof, purposes, God willing, to hold a general Ordination in Saint Paul's Cathedral, Calcutta, on Sunday, the 23rd December next.

Divine Service will commence at 10½ o'clock A. M., and the Sermon will be preached by the Bishop.

The Bishop also purposes, God willing, to hold a Confirmation in English, on Friday, the 28th December, being "The Innocent's Day."

Candidates for Holy Orders, who have not sent in their Papers, are requested to send them immediately, addressed to the undersigned.

W. H. ABBOTT,

Registrar and Secretary.

CALCUTTA,
The 20th November 1866.

Statement shewing the importation of Salt (private property) in Bond and Afloat on River Hooghly, subject to Customs duty on the 16th November 1866.

	Government Golahs.	Private Golahs.	Afloat.	Total.
	In. Mds.	In. Mds.	In. Mds.	In. Mds.
Liverpool Panzah ...	1,30,017	2,603	1,61,457	2,40,977
Bombay Kurkutch ...	37,902	63,703	15,870	1,17,483
Aden " ...	3,336	8,100	...	11,130
Madras " ...	...	1,37,100	1,324	1,38,494
Ceylon " ...	7,000	...	...	7,000
Arabian and Persian Gulfs Kurkutch and Muscat Rock ...	43,496	...	1,33,358	1,76,854
Total ...	2,31,661	2,11,571	2,65,022	6,98,244

By Order of the Board of Revenue,

J. P. GRANT,

Deputy Collector of Customs.

No. 1436C.
Notification.

BOARD OF REVENUE.
Fort William, the 1st October 1866.

NOTICE is hereby given that the Provision Opium to be brought forward for sale by public auction in the year 1867 will consist of 24,000 Chests

<i>Behar.</i>		<i>Chests.</i>	24,000 Chests
Reserve of 1864-65	761		of Benares
Supply from 1865-66	<u>23,239</u>	24,000	Opium of the
			two seasons
<i>Benares.</i>			1864-65 and
Reserve of 1861-65	7,018		1865-66 in
Supply from 1865-66	<u>16,982</u>	24,000	the propor-
			tions remain-
Total		48,000	

The Opium forming the Reserve of 1864-65 will be first put up for sale, and afterwards the provision of 1865-66, that is to say, of Behar Opium the sale of January will consist of 761 Chests of 1864-65, and 1,239 Chests of 1865-66, and of Benares Opium the sales of January, February, and March will each consist of 2,000 Chests of 1864-65, and the sale of April will consist of 1,018 Chests of 1864-65 and 982 Chests of 1865-66. The remaining provision of 1865-66 will be disposed of in like quantities at the subsequent sales. Thus there will be put up at each sale 2,000 Chests of Behar and 2,000 Chests of Benares.

The sales will be held on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so:—

	Behar about Chests.	Bengal about Che-ts.	Total about Chests.
On or about Wednesday, 9th Jan. 1867.	2,000	2,000	4,000
On or about Thursday, 7th Feb. "	2,000	2,000	4,000
On or about Monday, 11th Mar. "	2,000	2,000	4,000
On or about Wednesday, 10th April "	2,000	2,000	4,000
On or about Thursday, 9th May "	2,000	2,000	4,000
On or about Monday, 10th June "	2,000	2,000	4,000
On or about Wednesday, 10th July "	2,000	2,000	4,000
On or about Friday, 9th Aug. "	2,000	2,000	4,000
On or about Monday, 9th Sept. "	2,000	2,000	4,000
On or about Wednesday, 9th Oct. "	2,000	2,000	4,000
On or about Thursday, 7th Nov. "	2,000	2,000	4,000
On or about Friday, 6th Dec. "	2,000	2,000	4,000
Total ...	24,000	24,000	48,000

The following are the Conditions of Sale:—

1st.—The Opium will be sold for exportation by men only, and no certificate will be granted except to cover such export.

2nd.—The Opium will be ordinarily offered for sale at an upset price of Rupees 800 per Chest, and sold to the highest bidder above that price, except under the circumstances for which provision is made by Clause 12 of these Conditions of Sale.

3rd—The sale shall commence at the hour of 11 A. M. of the day fixed by previous notification, and shall not be continued after the hour of 5 P. M., but if at that hour any of the lots advertised for sale shall remain unsold, the sale may, at the discretion of the Board of Revenue, be resumed on the next day following (not being Sunday or a Public Holiday) at the hour of 11 A. M., and so on until the whole of the remaining lots are disposed of, or if the whole quantity advertised shall not be sold on the day appointed the Board may dispose of the lots which remain on hand at a future sale.

4th.—Each lot shall contain five Chests.

5th.—A Promissory Note for a sum calculated according to the scale noted in the margin shall be taken as a deposit on each lot from the purchaser in the

	<i>Deposit.</i>
When the amount bid is less than Rs. 1,200 per Chest	Rs. 200 p. Chest.
On bids of Rs. 1,200 but less than Rs. 1,600 per Chest	" 300 "
On bids of Rs. 1,600 but less than Rs. 2,000 per Chest	" 400 "
And so on, Rs. 400 being added to the deposit every additional Rs. 400 bid.	

Sale room, and the lot is registered in the Sale Book, and all such Promissory Notes shall be redeemed on the part of the purchasers at this Office by Bank of Bengal receipts, or by substitution of other Public Securities of the Bengal Government, on or before 4 o'clock in the afternoon of the fifth day after the sale, or, on the other hand, failing such redemption by the time aforesaid, then the lot or lots for which no Bank of Bengal receipts or deposit of other Public Securities as aforesaid shall have been delivered in, shall be re-sold at such time or times and under such conditions of re-sale as the Board of Revenue shall see fit, and all losses and expenses whatsoever attending such re-sale shall be borne and paid by the defaulters, whilst any profit accruing from such re-sale shall be forfeited to Government.

6/k.—The Promissory Notes taken on the day of sale under the last-mentioned Condition, if remaining unredeemed at 4 o'clock of the fifth day following the day of sale, will be placed in the hands of the Selector to the Government for realization in such manner as to him shall seem fit.

7th.—No tender of money, Bank of Bengal receipts, or Public Securities, on account of Opium upon which the prescribed deposit may not have been made before 4 o'clock of the fifth day following the day of sale, will be afterwards accepted.

8th.—The Opium now advertized for sale shall be paid for within fifteen clear days from the day of sale, and in case any lots of such Opium shall not be so paid for and adjusted, then the cash deposit made under the fifth Condition, or any Public Securities that may have been deposited on account of such lots or chests shall be forfeited, and the Opium shall be disposed of on account of Government at such time and in such manner as the Board of Revenue shall think fit; and the first purchaser shall further be required to make good any loss or difference of price between that obtained at the re-sale and the amount at which the Opium was first purchased, forfeiting all advantages that may arise from such re-sale.

9th.—Purchasers taking out certificates or orders for the delivery of Opium after making full payment as above prescribed shall have the option of naming the number of lots of their purchase which they may desire to be included in each certificate or order, and it is to be clearly understood that the certificates or orders so taken out shall be considered final, and not afterwards changeable for other certificates or orders authorizing the delivery of single lots or of a different number of lots or chests, whether more or less than the number of lots or chests originally required to be included in each certificate or order.

10th.—No deposit of Public Securities under the fifth of the present Conditions will be received in this Office, except from the party recorded as the purchaser in the Sale Book, or his authorized Agent. The receipt for deposit of Public Securities will be granted only in the name of such purchaser, and the securities so deposited will be returned when

payment in full has been made by the said purchaser or his order

11th.—The Officer superintending the sale on the part of the Board of Revenue is empowered to reject at his discretion the bid of any individual, unless such individual shall, on demand, tender at the time a deposit either in Government of India Notes, Bank of Bengal receipts, or Government Securities, a sum equal to the amount for which a Promissory Note would otherwise be taken under the fifth of these Conditions.

12th.—With a view to prevent fictitious biddings designed to obstruct the sale, it is hereby notified that the Officer of Government superintending the sale shall be competent at any time during the sale to withdraw any unsold lot and immediately to put it up again for sale at a maximum upset price, diminishing the same gradually until a bid is obtained, and the first *bona fide* bidder for a lot, after it has been offered for sale in the mode here described, shall be held and declared to be the purchaser of the said lot; and the Officer of Government superintending the sale shall also be competent to dispose in the same manner of as many of the subsequent lots as he may think proper; provided always that no lot shall be sold below the minimum price of Rupees 500 specified in the second of these Conditions.

13th.—The purchaser of any lot shall have the option of naming and purchasing in immediate succession at the same price, and under the same Conditions, any number of lots of the same Agency Opium not exceeding altogether twenty-five lots; provided always that there remain a sufficient number of lots of the Opium to complete the said twenty-five.

14th.—In the event of any dispute or difference touching or concerning any matter or question arising out of the sale of the Opium included in this notification or adjustment of the account thereof, the same shall and may be tried and decided in the High Court of Judicature at Fort William in Bengal.

15th.—The following papers will be exhibited for inspection on the day of sale, or may be seen previously to that date by application at the Office of the Junior Secretary to the Board of Revenue.

No. 1.—Certificate of the Opium advertized for sale.

No. 2.—Report of the examination of such Opium.

16th.—The Public are hereby informed that in providing the investment of the Behar and Benares Opium for the year 1865-66, the same precautions have been taken as those which have been observed during past years to have the drug procured and sent down in a pure state; to have only the prescribed quantity of leaves used in forming the cakes, and to have the due proportion of Opium put into each cake. An account of the weight of the drug when packed at Behar and Benares, and a statement of the average weight of the Chests indiscriminately taken for the purpose of comparison from the despatches on arrival at Calcutta may be seen on application at the Office of the Junior Secretary to the Board of Revenue.

17th.—Any further information respecting weight or quality of the Opium advertized for sale that may be desired by parties connected with the trade will, as heretofore, be furnished to them on application at the Office of the Board of Revenue, but, in accordance with established usage, under no circumstances will the Board entertain or

recognize any claim to compensation for loss from any alleged deficiency of weight, abstraction of Opium, or adulteration of the drug which may be preferred on reference to Chests after the sale and delivery of the Opium for shipment.

18th.—It is hereby further notified that, under the 6th Article of the Convention between Great Britain and France, dated the 7th March 1815, quoted below, the Agents in India of the French Government, or persons duly appointed by them, are entitled to demand that, out of the quantities of Behar and Benares Opium declared as above for sale at the twelve sales of the year 1867, there shall be delivered to them at the average of the particular sale or sales to which the Opium so applied for may belong, a quantity not exceeding in the aggregate 300 Chests; and the Agents of the French Government must make requisition specifying the quantity of Opium required by them at any particular sale within thirty days from the advertisement of such intended sale; provided, however, that the Agents of the French Government may make such requisition for the whole quantity within thirty days from the publication of this notification.

Behar	21,000
Benares	21,000
	42,000

If the Agents of the French Government shall not make the requisition for Opium within the time above mentioned, the entire quantity of about 48,000* Chests of Behar and Benares, as above estimated, will be brought to sale in the usual manner, and if they shall make application for a quantity of Opium to be delivered to them out of the quantity advertised for sale at each or any of the twelve sales above-mentioned, but shall not pay for it within the prescribed period of payment, the Government of Bengal reserves to itself the right of disposing of the Opium which the French Authorities may so fail to pay for, either by increasing the quantity reserved at the sale next ensuing the date of payment, or by selling it at a sale to be held expressly for the purpose.

Article of the Convention above referred to.

Article 6th.—With regard to the trade in Opium, it is agreed between the high contracting parties that at each of the periodical sale of that article there shall be reserved for the French Government, and delivered upon requisition duly made by the Agents of His Most Christian Majesty, or by the persons duly appointed by them, the number of Chests so applied for, provided that such supply shall not exceed three hundred Chests in each year, and the price for the same shall be determined by the average rate at which Opium shall have been sold at every such periodical sale, it being understood that if the quantity of Opium applied for at any one time shall not be taken on account of the French Government by the Agents of His Most Christian Majesty within the usual period of delivery, the quantity so applied for shall nevertheless be considered as so much in reduction of the three hundred Chests hereinbefore mentioned. The requisitions for Opium as aforesaid are to be addressed to the Governor General at Calcutta within thirty days after notice of the intended sales shall have been published in the Government Gazette.

By Order of the Board of Revenue,
R. L. MANGLES,
Offg. Junior Secretary.

FORT WILLIAM,
The 1st October 1866.

No. 1436C.
Notification.

BOARD OF REVENUE.
Fort William, the 1st October 1866.

NOTICE is hereby given that the Provision Opium to be brought forward for sale by public auction in the year 1867 will consist of 24,000 Chests

Behar.	Chests.	24,000 Chests
Reserve of 1864-65 .. 761		of Benares
Supply from 1865-66 .. 23,239	24,000	Opium of the
		two seasons
Benares.		1864-65 and
Reserve of 1864-65 7,018	24,000	1865-66 in
Supply from 1865-66 ... 16,982		the proportion
Total ..	48,000	marginally noted.

The Opium forming the Reserve of 1864-65 will be first put up for sale, and afterwards the provision of 1865-66, that is to say, of Behar Opium the sale of January will consist of 761 Chests of 1864-65, and 1,239 Chests of 1865-66, and of Benares Opium the sales of January, February, and March will each consist of 2,000 Chests of 1864-65, and the sale of April will consist of 1,018 Chests of 1864-65 and 982 Chests of 1865-66. The remaining provision of 1865-66 will be disposed of in like quantities at the subsequent sales. Thus there will be put up at each sale 2,000 Chests of Behar and 2,000 Chests of Benares.

The sales will be held on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so:—

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Wednesday, 9th Jan. 1867.	2,000	2,000	4,000
On or about Thursday, 7th Feb. "	2,000	2,000	4,000
On or about Monday, 11th Mar. "	2,000	2,000	4,000
On or about Wednesday, 10th April "	2,000	2,000	4,000
On or about Thursday, 9th May "	2,000	2,000	4,000
On or about Monday, 10th June "	2,000	2,000	4,000
On or about Wednesday, 10th July "	2,000	2,000	4,000
On or about Friday, 9th Aug. "	2,000	2,000	4,000
On or about Monday, 9th Sept. "	2,000	2,000	4,000
On or about Wednesday, 9th Oct. "	2,000	2,000	4,000
On or about Thursday, 7th Nov. "	2,000	2,000	4,000
On or about Friday, 6th Dec. "	2,000	2,000	4,000
Total ..	24,000	24,000	48,000

The following are the Conditions of Sale:—

1st.—The Opium will be sold for exportation by sea only, and no certificate will be granted except to cover such export.

2nd.—The Opium will be ordinarily offered for sale at an upset price of Rupees 800 per Chest, and sold to the highest bidder above that price, except under the circumstances for which provision is made by Clause 12 of these Conditions of Sale.

3rd.—The sale shall commence at the hour of 11 A. M. of the day fixed by previous notification, and shall not be continued after the hour of 5 P. M., but if at that hour any of the lots advertised for sale shall remain unsold, the sale may, at the discretion of the Board of Revenue, be resumed on the next day following (not being Sunday or a Public Holiday) at the hour of 11 A. M., and so on until the whole of the remaining lots are disposed of, or if the whole quantity advertised shall not be sold on the day appointed the Board may dispose of the lots which remain on hand at a future sale.

4th.—Each lot shall contain five Chests.

5th.—A Promissory Note for a sum calculated

When the amount bid is	Deposit.	according to the scale noted in the margin
less than Rs. 1,200 per Chest	Rs. 200 p. Chest.	shall be taken as a deposit on each lot from the purchaser in the
On bids of Rs. 1,200 but less than Rs. 1,600 per Chest	" 300 "	
On bids of Rs. 1,600 but less than Rs. 2,000 per Chest	" 400 "	
And so on, Rs. 100 being added to the deposit for every additional Rs. 400 bid.		

Sale-room, and the lot is registered in the Sale Book, and all such Promissory Notes shall be redeemed on the part of the purchasers at this Office by Bank of Bengal receipts, or by substitution of other Public Securities of the Bengal Government, on or before 4 o'clock in the afternoon of the fifth day after the sale, or, on the other hand, failing such redemption by the time aforesaid, then the lot or lots for which no Bank of Bengal receipts or deposit of other Public Securities as aforesaid shall have been delivered in, shall be re-sold at such time or times and under such conditions of re-sale as the Board of Revenue shall see fit, and all losses and expenses whatsoever attending such re-sale shall be borne and paid by the defaulters, whilst any profit accruing from such re-sale shall be forfeited to Government.

6th.—The Promissory Notes taken on the day of sale under the last-mentioned Condition, if remaining unredeemed at 4 o'clock of the fifth day following the day of sale, will be placed in the hands of the Solicitor to the Government for realization in such manner as to him shall seem fit.

7th.—No tender of money, Bank of Bengal receipts, or Public Securities, on account of Opium upon which the prescribed deposit may not have been made before 4 o'clock of the fifth day following the day of sale, will be afterwards accepted.

8th.—The Opium now advertized for sale shall be paid for within fifteen clear days from the day of sale, and in case any lots of such Opium shall not be so paid for and adjusted, then the cash deposit made under the fifth Condition, or any Public Securities that may have been deposited on account of such lots or chests shall be forfeited, and the Opium shall be disposed of on account of Government at such time and in such manner as the Board of Revenue shall think fit; and the first purchaser shall further be required to make good any loss or difference of price between that obtained at the re-sale and the amount at which the Opium was first purchased, forfeiting all advantages that may arise from such re-sale.

9th.—Purchasers taking out certificates or orders for the delivery of Opium after making full payment as above prescribed shall have the option of naming the number of lots of their purchase which they may desire to be included in each certificate or order, and it is to be clearly understood that the certificates or orders so taken out shall be considered final, and not afterwards changeable for other certificates or orders authorizing the delivery of single lots or of a different number of lots or chests, whether more or less than the number of lots or chests originally required to be included in each certificate or order.

10th.—No deposit of Public Securities under the fifth of the present Conditions will be received in this Office, except from the party recorded as the purchaser in the Sale Book, or his authorized Agent. The receipt for deposit of Public Securities will be granted only in the name of such purchaser, and the securities so deposited will be returned when

payment in full has been made by the said purchaser or his order

11th.—The Officer superintending the sale on the part of the Board of Revenue is empowered to reject at his discretion the bid of any individual, unless such individual shall, on demand, tender at the time a deposit either in Government of India Notes, Bank of Bengal receipts, or Government Securities, a sum equal to the amount for which a Promissory Note would otherwise be taken under the fifth of these Conditions.

12th.—With a view to prevent fictitious biddings designed to obstruct the sale, it is hereby notified that the Officer of Government superintending the sale shall be competent at any time during the sale to withdraw any unsold lot and immediately to put it up again for sale at a maximum upset price, diminishing the same gradually until a bid is obtained, and the first *bona fide* bidder for a lot, after it has been offered for sale in the mode here described, shall be held and declared to be the purchaser of the said lot; and the Officer of Government superintending the sale shall also be competent to dispose in the same manner of as many of the subsequent lots as he may think proper; provided always that no lot shall be sold below the minimum price of Rupees 500 specified in the second of these Conditions.

13th.—The purchaser of any lot shall have the option of naming and purchasing in immediate succession at the same price, and under the same Conditions, any number of lots of the same Agency Opium not exceeding altogether twenty-five lots; provided always that there remain a sufficient number of lots of the Opium to complete the said twenty-five.

14th.—In the event of any dispute or difference touching or concerning any matter or question arising out of the sale of the Opium included in this notification or adjustment of the account thereof, the same shall and may be tried and decided in the High Court of Judicature at Fort William in Bengal.

15th.—The following papers will be exhibited for inspection on the day of sale, or may be seen previously to that date by application at the Office of the Junior Secretary to the Board of Revenue.

No. 1.—Certificate of the Opium advertized for sale.

No. 2.—Report of the examination of such Opium.

16th.—The Public are hereby informed that in providing the investment of the Behar and Benares Opium for the year 1865-66, the same precautions have been taken as those which have been observed during past years to have the drug procured and sent down in a pure state; to have only the prescribed quantity of leaves used in forming the cakes, and to have the due proportion of Opium put into each cake. An account of the weight of the drug when packed at Behar and Benares, and a statement of the average weight of the Chests indiscriminately taken for the purpose of comparison from the despatches on arrival at Calcutta may be seen on application at the Office of the Junior Secretary to the Board of Revenue.

17th.—Any further information respecting weight or quality of the Opium advertized for sale that may be desired by parties connected with the trade will, as heretofore, be furnished to them on application at the Office of the Board of Revenue, but, in accordance with established usage, under no circumstances will the Board entertain or

recognize any claim to compensation for loss from any alleged deficiency of weight, abstraction of Opium, or adulteration of the drug which may be preferred on reference to Chests after the sale and delivery of the Opium for shipment.

18th.—It is hereby further notified that, under the 6th Article of the Convention between Great Britain and France, dated the 7th March 1815, quoted below, the Agents in India of the French Government, or persons duly appointed by them, are entitled to demand that, out of the quantities of Behar and Benares Opium declared as above for sale at the twelve sales of the year 1867, there shall be delivered to them at the average of the particular sale or sales to which the Opium so applied for may belong, a quantity not exceeding in the aggregate 300 Chests, and the Agents of the French Government must make requisition specifying the quantity of Opium required by them at any particular sale within thirty days from the advertisement of such intended sale; provided, however, that the Agents of the French Government may make such requisition for the whole quantity within thirty days from the publication of this notification.

Behar	21,000
Benares	21,000
	42,000

If the Agents of the French Government shall not make the requisition for Opium within the time above mentioned, the entire quantity of about 42,000* Chests of Behar and Benares, as above estimated, will be brought to sale in the usual manner, and if they shall make application for a quantity of Opium to be delivered to them out of the quantity advertised for sale at each or any of the twelve sales above-mentioned, but shall not pay for it within the prescribed period of payment, the Government of Bengal reserves to itself the right of disposing of the Opium which the French Authorities may so fail to pay for, either by increasing the quantity reserved at the sale next ensuing the date of payment, or by selling it at a sale to be held expressly for the purpose.

Article of the Convention above referred to.

Article 6th.—“With regard to the trade in Opium, it is agreed between the high contracting parties that at each of the periodical sale of that article there shall be reserved for the French Government, and delivered upon requisition duly made by the Agents of His Most Christian Majesty, or by the persons duly appointed by them, the number of Chests so applied for, provided that such supply shall not exceed three hundred Chests in each year, and the price for the same shall be determined by the average rate at which Opium shall have been sold at every such periodical sale, it being understood that if the quantity of Opium applied for at any one time shall not be taken on account of the French Government by the Agents of His Most Christian Majesty within the usual period of delivery, the quantity so applied for shall nevertheless be considered as so much in reduction of the three hundred Chests hereinbefore mentioned. The requisitions for Opium as aforesaid are to be addressed to the Governor General at Calcutta within thirty days after notice of the intended sales shall have been published in the *Government Gazette*.

By Order of the Board of Revenue,

R. L. MANGLES,
Offg. Junior Secretary.

FORT WILLIAM,
The 1st October 1866.

No. 1651.

Opium Notification.

NOTICE is hereby given that the Twelfth Sale of Opium, the provision of 1864-65, will be held at the Exchange Hall, on Wednesday, the 5th December 1866, at 11 A. M., and will comprize 3,370 Chests, viz. :—

Behar Opium	...	...	2,000
Benares "	...	...	1,370
Total Chests			3,370

2. The general Conditions of the Sale now advertised will be the same as usual : they may be ascertained by reference to the Notification issued on the 26th October 1865, and published in the *Government and Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest date for deposit and clearance will be the 10th and 20th December, respectively, that is to say, no Bank of Bengal Receipts Government Promissory Notes, or other public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the Sale-room will be received after 4 M. P. of Monday, the 10th December 1866, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P. M of Thursday, the 20th December 1866.

By Order of the Board of Revenue, L. P.,

R. L. MANGLES,
Offg. Junior Secretary.

FORT WILLIAM,
The 2nd November 1866.

No. 1789.

Notification.

It having come to the knowledge of the Board of Revenue, Lower Provinces, that the provisions of the Stamp Law are greatly evaded by the use of unstamped "Proxies," which are "Letters of Attorney" requiring a stamp of Rupees (4) four, as provided for in Article 43, Schedule A, Act X. of 1862, it is hereby notified, for general information, that from and after this date any person or persons who may attempt thus to evade the Law will, on detection, be prosecuted in accordance with Section 52 of the Act.

By Order of the Board of Revenue, L. P.,

R. L. MANGLES,
Junior Secretary.

FORT WILLIAM,
The 15th November 1866.

Notice.

A NEW Edition of the Map of DISTRICT NUDDEA, shewing Village boundaries, Scale 1 Mile=1 Inch, in 8 Sections, with a small Index, is now ready for issue.

Applications for the Maps, *bond fide* on the Public Service, to be addressed to the Registrar, Surveyor-General's Office, Calcutta.

For private use, on payment, the Map can be obtained from all Booksellers, and the "School Book Society," Calcutta, at the following rates :—

Uncolored and Unmounted.	{	On <i>thick paper</i> , the Map complete				
		in 8 Sections with Index	Rs.	8	0	0
		Or each Section separate	Rs.	2	0	0
		On <i>thin paper</i> , the Map complete				
		in 8 Sections with Index	Rs.	6	0	0
		Or each Section separate	Rs.	1	8	0

N. B.—Parties requiring the Map, Colored and Mounted, must pay extra for the same.

J. E. GASTRELL, *Lieut.-Col.,*
Offg. Depy. Surveyor-General of India.

Notice.

BAROO JUGGOMOHUN ROY, Deputy Collector, has been put in charge of the Balasore Treasury, and authorized to draw Bills on other Treasuries from the 30th October 1866.

J. H. RAVENSHAW,
Offg. Commissioner.

COMM'R'S OFFICE;
Cuttack Division,
The 3rd November 1866.

Notice.

BAROO GOONABHEERAM BOROOAH, Extra Assistant Commissioner, has been placed in temporary charge of the Treasury at Nowgong, during the absence of LIEUTENANT MICHELL, Assistant Commissioner, on leave, to attend the Half-yearly Examination at Gowhatty.

HENRY HOPKINSON,
Commissioner of Assam.

SHILLONG,
The 6th November 1866.

Notice.

MR. P. T. CARNEGIE, Extra Assistant Commissioner, has been placed in charge of the Treasury of Kamroop District, and is authorized to draw Bills on other Public Treasuries.

HENRY HOPKINSON,
Commissioner of Assam.

SHILLONG,
The 10th November 1866.

[2005]

RETAIL PRICES OF FOOD AS REPORTED TO THE BOARD OF REVENUE, L. P.,
DURING THE WEEK ENDING THE 17TH NOVEMBER 1866.

Number of Seers of 80 Tolahs weight retailed for a Rupee.

AT	Date of Return from each District.	CLEANED RICE IN ORDINARY USE.			PULSES IN ORDINARY USE.			WHEAT.		ATTAR.		JANERA, JOWAR AND SUCH GRAINS.	
		Dearest sort.	Cheapest sort.		Dearest sort.	Cheapest sort.		Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.
			Ordinary price at this Season.	Present price.		Ordinary price at this Season.	Present price.						

Districts in which the prices are same or nearly the same.

Dacca	12th Nov. 1866	9	25	13	10	13	11	9	8	6	6	...	...
Mymensing	10th "	11	20	13	6	11	7	10	8	9	6	...	...
Calcutta	19th "	7½	14	9½	8	20	14½	14	10½	8	6½	...	...
Boota Dooara—Mynagoore	7th "	8	16	8	4	8	4	...	...	6	4	...	...

Districts in which all or most articles are dearer.

Gowalparah	6th Nov. 1866	8½	17	10	7½	12½	11	22½	8½	7	6½	...	...
Darjeeling	12th "	5	8	8	4	8	6½	...	...	4	4	20	14
Lohardugga	10th "	10	32	20	6	18	7	24	6	10	4½	...	...
Jessore	12th "	5½	17	11	10	32	9	21	8	12	5½	...	...

Districts in which all or most articles are cheaper.

Durrug	5th Nov. 1866	7	32	12	11½	20	12	...	...	...	...	...	...
Kamroop	3rd "	9	15	13	12	20	13	...	...	...	...	...	...
Sebsaugor	5th "	8	18	10½	4	10	9	20	9	8	3	...	...
Bhaugulpore	11th "	10½	16½	12½	8½	17½	10½	16½	10½	12½	8½	41½	22½
Monghyr	12th "	10	17½	11	7	23½	11½	16½	12	14½	10	31	25
Purneah	12th "	8	19	16	7	16	9	20	9	10	6½	...	...
Nya-Doomka	11th "	...	...	16	...	12	7½	...	9	...	7	20	24
Rajmehal	12th "	10	36	12½	8	17	9	20	9	16	7	...	20
Haucoorah	10th "	0½	17½	17½	0½	1½	11½	11½	9	9	7½	20	6
Burdwan	11th "	12	17½	12½	10	20½	12½	14	10½	10	7½	...	...
Hooghly	12th "	6½	13½	8½	9½	16	10½	11	9½	7½	7	10½	10
Bulloah	12th "	8½	23	11	5	20	8	...	...	5	4	...	...
Maunbhoom	12th "	6	23	22	8	30	13	...	9½	5	5½	20	8
Cuttack	12th "	10	32	12	7	24	9½	32	6½	22	4	...	13
Backorgunge	3rd "	9	20	13½	7	20	12	10	7½	8	5	...	...
Sylhet	2nd "	12½	50	17½	7½	50	12	14	8	12	6½	...	...
Soonderbuns	5th "	12	22	13	15	32	17	...	...	...	...	...	...
24-Pergunnahs	12th "	7½	13	9	5½	20	13½	13	10	8	6½	...	...
Gya	12th "	12	27	13	9	18	10	29	11	23	10	50	18
Sarun	10th "	7½	20	13½	10	21	12½	26	12½	19	10	31	23½
Tirhoot	12th "	8	18	10½	12	18	13	19	10	14	9	30	34
Bograh	12th "	9	30	12½	6	27½	8½	15	11	8	6	80	22½
Dinapore	11th "	11	18	14	8	17	10	23	8½	10	6½	...	...
Maldah	12th "	11½	17	13½	13	23	14	16	10½	11	8	...	...
Pubna	12th "	10½	24	14	7	32	11	10½	9	9½	6	...	...
Bungpore	12th "	8	23	13	5	20	11	16	10	8	6½	...	...

Districts in which some articles are dearer and some cheaper.

Deoghur	4th Nov. 1866	9	14	14	6	14	7½	16	9	14	8	...	23
Pakour	11th "	12	30	18	11	25	11	20	12	16	8	70	22
Beerbhoom	12th "	11½	20½	12	6	24	9	21	8	15	6	68	21½
Howrah	12th "	7½	14½	10½	7½	16	11½	10½	10½	7½	7½	...	...
Midnapore	12th "	7	...	22	11	12	11	10	8	7½	6	...	...
Chittagong	12th "	11	18	16	6	18	12	12	12	9	8	...	...
Tipperah	11th "	11	45	22	8	40	12	20	8	12	4	...	...
Belasore	12th "	6½	30	18½	5	16	6½	16	6½	10	6½	...	...
Cachar	5th "	13	18	15	8	16	8½	10	7½	5½	4½	...	...
Farradpore	12th "	9	20	12½	16	26	16	16	10	...	...	...	...
Nuddes	10th "	8½	30	12	9½	32	18	16	8½	10½	5½	...	...
Chumparun	3rd "	6½	24	18	7½	24	8	28	9	17	7	56	23
Moorsshedabad	11th "	7½	16½	10½	8½	24½	10½	10½	9½	11	7	22	14½

PUBLISHED for general information.

By Order of the Board of Revenue, L. P.,

FORT WILLIAM,
The 20th November 1866. }

T. BRUCE LANE,
Secretary.

[2006]

NOTICE.

LIST of unclaimed Packages lying on the Custom House Wharf.

Date of Landing.		Mark or Address of Packages.	Ships.
1866, Nov.	1st ..	1 Case, Assistant Surgeon J. Munday, 21st Hussars, Umballa, Calcutta ...	Str. Golconda.
"	1st ...	1 Box, Hon'ble George Loch, Judge of the High Court, Calcutta ...	Ditto.
Aug.	23rd ...	5 Cases, G C D ...	W. H. Haselden.
"	23rd ...	1 Case, [M A] ...	Ditto.
Sept.	5th ...	1 Case, J. B. and Co. ...	Roxburgh Castle.
"	7th ...	1 Case, [G C D] ...	Ditto.
"	18th ...	2 Cases, [S. D. and Co.] C and B ...	Ditto.
Aug.	27th ...	15 Packages, D G D ...	Pride of Canada.
July	11th ...	6 Cases, [M L S P] ...	Str. Nubia.
Aug.	11th ...	1 Parcel, Gladstone, Wyllie and Co. ...	Str. Golconda.
"	25th ...	1 Parcel, Aga Syed Abdool Rusool ...	Str. Arratoon Apear.
June	29th ...	16 half Barrels Gunpowder in Moyapore Magazine [M] ...	Henry Reed.
April	3rd ..	8 Quarter Boxes Gunpowder in Moyapore Magazine [N V N and Sons] ...	Ganges.
"	3rd ...	2 half Barrels Gunpowder in Moyapore Magazine, J H and S ...	Ditto.
Aug.	3rd ...	1 Case, J. Sparks, Esq., Colvin, Cowie and Co. ...	King Arthur.
1866, Sept.	5th ..	4 Cases, [B C B P] ...	British Prince.
"	5th ...	8 Cases, [H and M B] ...	Ditto.
"	5th ...	1 Case, J T M [M A] L. S. and Co. ...	Ditto.
"	5th ...	1 Case, [M A] B E ...	Ditto.
"	5th ...	1 Case, [M A] ...	Ditto.
"	5th ...	4 Packages, D C G ...	Ditto.
"	19th ...	1 Parcel, [H] C, Huber and Co. ...	Martaban.
Nov.	15th ...	1 Case, Captain Williamson, Umballa, Grindlay and Co., Calcutta ...	Str. Bengal.
"	15th ..	1 Case, Major A. Darling, R. A., Messrs. Gillanders and Co., Calcutta ...	Ditto.
"	15th ...	1 Case, Major J. R. Hume, 55th Regiment, Lucknow, Bengal, India ...	Ditto.
"	15th ..	1 Case, Dr. J. T. C. Ross, Gordon, Stewart and Co., Calcutta ...	Ditto.

[2007]

Date of Landing.	Mark or Address of Packages.	Ships.
1866, Nov. 15th ...	1 Case, Lieutenant M. J. King Harman, R. A., Gillanders, Arbuthnot and Co., Agra	... Str. Bengal.
„ 1st ...	1 Parcel, Adjutant Duncan E. Piteber, 21st Hussars, Umballa, Punjab, East Indies	... Str. Goleonda.
Sept. 5th ...	4 Crates, [P] U I C A	... Mooresfort.

CALCUTTA CUSTOMS,
The 20th November 1866. }

J. P. GRANT,
Deputy Collector of Customs.

NOTICE.

THE following Packages have been landed at the Custom House from the undermentioned ships under the provisions of Section 52 of Act VI. of 1863. If the Goods are not cleared before the dates stated against each item, they will be advertized for sale:—

<i>Art Union.</i>		
1866, Dec. 8th ...	Officers' Mess, 13th Bengal Lancers, Peshawur, 1 Case.	... [C S] 1 Case ... [M] C, 1 Case.
<i>Aurifera</i>		
1866, Dec. 30th ...	T. J. Maltby, Esq., care of Messrs. J. H. Smith and Co., 36, Dhurru- tollah Street, 1 Case.	
<i>W. H. Havelden.</i>		
1866, Dec. 20th ...	G C D, 3 Packages.	
<i>Mooresfort.</i>		
1866, Dec. 22nd ...	A I, 2 Cases	... E W J P W, 1 Case ... R R D B E J S, 16 Casks.
<i>William Fairbairn.</i>		
1867, Jan. 26th ...	R N D, 7 Packages	... [B] C, 3 Casks ... G C D, 14 Packages.
„ 26th ..	R, 14 Cases.	

CALCUTTA CUSTOMS,
The 20th November 1866. }

J. P. GRANT,
Deputy Collector of Customs.

NOTICE.

THE undermentioned Packages, landed under Section LII. of Act VI. of 1863, if not cleared on or before the dates specified against each item, they will be sold for the realization of Duty, Wharfage, &c., under Section LVI. of Act VI. of 1863:—

<i>Sydney Dacres.</i>		
1866, Nov. 24th ...	[B M H P] 8 Cases	... M S, 1 Case ... R J T, 6 Cases.
<i>Horsa.</i>		
1866, Dec. 1st ...	[N V N & Sons] 29 Cases	[G] 1 Case.

CALCUTTA CUSTOMS,
The 20th November 1866. }

J. P. GRANT,
Deputy Collector of Customs.

Notice.

BAROO JUDONATH BOSE, B. A., Deputy Collector, has been placed in charge of the Chumparan Treasury, and authorized to draw Bills in other Treasuries from the 1st instant.

J. W. DALRYMPLE,
Commissioner.

PATNA COMM'R.'S OFFICE, }
The 5th November 1866.

Notice.

Mr. Deputy Collector H. DOVETON has been placed in charge of the Tirhoot Treasury, and authorized to draw Bills on other Treasuries.

J. W. DALRYMPLE,
Commissioner.

PATNA COMM'R.'S OFFICE, }
The 7th November 1866.

Notice.

THE Cachar Mela will, as usual, be held at Silehar, commencing on Sunday, the 30th December 1866, corresponding with 16th Poush 1273, and continuing for as many days as considered necessary.

JOHN WARE EDGAR,

Officiating Deputy Commissioner.

CACHAR ;
Depty. Commr.'s Office, }
The 28th September 1866.

Notice.

THE Singhbhoom Annual Fair will be held at Chyebassa during the last fortnight in December 1866.

W. H. HAYES,

Deputy Commissioner of Singhbhoom.

CHYEBASSA, }
The 10th October 1866.

No. 42.

Commissariat Notice.

THE Assistant Commissary General invites sealed Tenders for the supply of—

- | | | |
|----------------------------------|-----|--|
| 1. Cattle Gear | ... | } For one year,
from 1st February 1867. |
| 2. Barrack Bedding | .. | |
| 3. Hospital Clothing and Bedding | ... | |
| 4. Rice, Table, 1st quality. | .. | |
| 5. Sugar, moist, best, Benares | .. | |

Tenders will be received up to 2 P. M. of the 3rd December 1866, and opened at noon on the day following in this Office, where printed forms can be obtained.

G. S. MACBEAN, Major,
Asst. Commsy. General.

CALCUTTA ;
Commissariat Office, }
No. 6, Park Street,
The 1st November 1866.

Commissariat Notice.

No. 5.

SEALED Tenders will be received by the Commissariat Officers of Dinapore and Hazareebaugh up to 4 P. M. of the 3rd December 1866 for the supply of the under-mentioned articles by contract for one year, commencing from 1st February 1867, and will be opened by them in their Offices on the following day at noon in presence of tendering parties who may choose to attend.

Parties desirous of tendering will be furnished with all particulars on application to the above Officers.

Rice, Sugar, Barrack Bedding, Hospital Clothing, and Cattle Gear.

H. MILLS, Major,
Offg. Dy. Asst. Commsy. General.

DINAPORE ;
Commissariat Office, }
The 1st November 1866.

Notice.

REQUIRED for the Darjeeling District a Treasurer, who will be required to furnish security to the amount of Rupees (10,000) ten thousand. Salary, Rupees 65 a month. Application to be made to the

DEPT. COMM'R., DARJEELING.

DARJEELING, }
The 9th October 1866.

Wanted.

A Translator and Head Assistant for the Judicial Department, Gowalparah. Salary, Rupees 90 per month.

Applications, forwarding testimonials, to be sent to the Deputy Commissioner, Gowalparah. A good knowledge of English and Bengallee indispensable.

A. E. CAMPBELL,
Deputy Commissioner.

GOWALPARAH,
The 13th October 1866. }

Notification.

—

THE Chota Nagpore Annual Fair for 1867, to be held at Chootea near Ranchee, in Chota Nagpore, will commence on the 19th February 1867, and last for a fortnight.

E. T. DALTON, Lieut.-Col.,
Commr. of Chota Nagpore.

CHOTTA NAGPORE.
The 8th November 1866. }

Wanted.

A SUPERINTENDENT in the Revenue Court of the Deputy Commissioner of Sibsagur, Assam. Salary, Rupees 150 per mensem.

H. SCONEZ,
Depy. Commr.

DEPT. COMM'R.'S OFFICE,
The 20th September 1866. }

Nuddea Rivers.

Report shewing the least depth in the present Navigable Channels from the 1st to 7th October 1866.

NAMES OF RIVERS.	Least Depth of Water.	REMARKS.
MATABANGAH.	Ft. In.	
Above Entrance in Gauges ...	Closed.	
On the Entrance Shoal ...		
Thence to Hât Bouleah, 44 miles		
Hât Bouleah to Alickdeah ...		
Alickdeah to Kissengunge, 35 miles ...		5 0
Kissengunge to Houghly River, 34 miles ...		8 0
BHAUGIRUTTEE.		
Entrance Bar ...	5 6	
Below the Entrance	22 0	
Thence to Jeengunge	5 6	
Jeengunge to Cutwa, 60 miles ...	5 0	
Cutwa to Nuddea, 46 miles ...	6 0	

Notice.

Is hereby given that the Lot No. 33 of the unreserved building sites, situated at the Civil Station of Shillong, in the Cossyah and Jynteah Hills, containing about 2½ acres of first class land, as shewn in the plan thereof, having been applied for under the rules sanctioned in the Bengal Government Circular No. 3826 of the 15th November 1865, will be put up to sale by auction to the highest bidder at the upset price of Rupees 50 per acre, at the Office of the Deputy Commissioner of Cossyah and Jynteah Hills, Shillong, on the 7th day of December 1866.

The manner and condition of the Sale can be ascertained by intending purchasers by application to the undersigned.

W. C. CLARKE,
Offg. Deputy Commissioner,
Cossyah and Jynteah Hills.

DEPUTY COMM'R.'S OFFICE ;
Shillong,
The 30th October 1866. }

Height on Gauge at Berhampore on the 10th November 1866, + 7 feet 2 inches above zero.
A fall of 1 foot 9 inches since 4th November 1866.

G. W. VIVIAN, C. E.,
Offg. Exe. Engr., Berhampore Divn.

BERHAMPORE,
The 12th November 1866. }

STATEMENT of Government Promissory Notes, enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 8th November 1866.

PARTICULARS.	3½ per Cent. Loan of 1853-54.	4 PER CENT. LOANS						4½ per Cent. Loan of 1856-57.	5 per Cent. P. W. Loan of 1854-55.	5 per Cent. Loan of 1856-57.	5½ per Cent. Loan of 1859-60.	TOTAL AMOUNT.
		of 1824-25.	of 1828-29.	of 1832-33.	of 1835-36.	of 1842-43.	of 1854-55.					
Balance of 5th Oct. 1866	8,100	50,133	320	23,16,800	26,59,700	1,16,36,000	87,23,400	45,00,800	43,91,400	5,20,77,400	3,38,36,500	12,02,17,053
ADD:												
Amount enfaced at Madras between 6th Oct. and 8th Nov. 1866 ...	....	....	....	....	....	....	....	....	....	....	....	....
Amount enfaced at Bombay between 6th Oct. and 8th Nov. 1866 ...	....	....	....	....	....	....	....	....	....	....	....	....
Amount enfaced at Calcutta between 6th Oct. and 8th Nov. 1866 ...	....	....	....	10,986	83,400	1,12,400	1,74,400	58,800	3,500	1,59,300	32,500	6,35,286
Total ...	8,100	50,133	320	23,27,786	27,43,100	1,17,48,400	88,97,800	45,59,600	43,94,900	5,22,36,700	3,38,69,000	12,08,52,339
DEDUCT:												
Amount written off in the London Registers	....	....	....	....	9,300	2,07,300	25,700	11,700	8,600	1,99,900	1,68,200	6,90,600
Balance on 8th Novem-ber 1866 ...	8,100	50,133	320	23,27,786	27,33,800	1,14,81,100	88,72,100	45,47,900	43,86,300	5,20,36,900	3,37,00,800	12,01,61,739

**BANK OF BENGAL; }
Public Debt Office,
The 15th November 1866. }**

**D. Woods
Deputy Secretary and Treasurer.**

[2011]

**Prize List of Agricultural Show to be held at Tezporc, Commencing
26th December**

Prizes to be awarded to the owners of the following :—

Number.	LIVE-STOCK.	1st Prize.	2nd Prize.	3rd Prize.
DEPARTMENT I.				
	CLASS I.	Rs.	Rs.	Rs.
	<i>Cattle.</i>			
1	Best Bull	30	20	
2	Division bred Bull	20		
3	Milch Cow bred anywhere	20	15	
4	Ditto ditto in Division	20	15	10
5	Best Cow Buffalo	20	10	
6	Ditto pair of draft Buffaloes	25		
7	Ditto ditto of Division ditto	25		
8	Ditto ditto Plough Bullocks	20		
9	Ditto ditto Division ditto.			
	CLASS II.			
	<i>Ponies.</i>			
1	Best Poney under 15 hands high	40	25	15
2	Ditto Stallion Pony	40		
	CLASS III.			
	<i>Sheep and Goats.</i>			
1	Best Ram bred out of Sheep	15	8	
2	Pen of two Ewes	15	8	
	Sheep to be sold if required by valuation.			
1	Best Buck Goat bred anywhere	10		
2	Ditto She Goat	10		
	CLASS IV.			
	<i>Poultry.</i>			
1	Best Cock and 3 Hens bred anywhere	10	7	5
	<i>Geese.</i>			
1	1 Gander and 2 Geese	8	5	3
	<i>Ducks.</i>			
1	1 Drake and 4 Ducks	7	5	3
	<i>Guinea Fowls.</i>			
1	1 Cock and 2 Hens	5	3	
	<i>Pigeons.</i>			
1	2 Pair of Pigeons in a cage	5	3	
Number.	PRODUCTS OF AGRICULTURAL LABOUR, &c.	1st Prize.	2nd Prize.	3rd Prize.
DEPARTMENT II.				
	MACHINERY AND IMPLEMENTS.	Rs.	Rs.	Rs.
1	For the best improvement on the Country Plough	20		
2	For the best Cultivator or best scarifier of light construction for general purposes	25		
3	For a ditto Country made	15		
4	For the best Harrow for a pony or a pair of bullocks	15		
5	Ditto ditto Country-made or Native instrument used as a substitute for the Harrow	10		
6	For the best collection of Native Agricultural Implements	25		
7	For the best Horse or Bullock Hoe suited for working between drills..	15		
8	For the best Husking Machine for paddy	15		
9	For the best Winnowing Machines	20		
10	For the best Tea-rolling Machine by steam power	100		
11	For the best arranged Oil Mill	50		
12	Ditto Native-made ditto	30		
13	For the best Native Machine for expressing the juice of the sugar-cane	25		

[2014]

NOTICE

UNDER instructions the Farm of Phultah Ghaut Ferry, 18 miles North of Calcutta, on the Grand Trunk Road, between Barrackpore and Hooghly, will be sold by Public Auction at 10 A. M., on the 18th day of December 1866, at the small Road Chowkie at Gyretty Ghaut.

The farm will be only sold for 3 months to complete the present Financial year from the 1st of January 1867 to 31st March 1867, under new rules for the collection of tolls as per undermentioned list.

The sale being for the limited period of 3 months, will be sold for cash payment only, and a further deposit will be required for the fulfilment of the agreement of 250 Rupees.

Each person intending to bid will deposit the sum of one hundred Rupees prior to sale, which will be returned after sale, except to the highest bidder, who will have also his deposits returned on signing his agreement and on the payment of his security and purchase money.

For further particulars apply to Executive Engineer, 1st Division, Grand Trunk Road, Raneegunge.

RANEENGUNGE.
The 11th November 1866.

EDWARD ROOKE, *Lient.*,
Executive Engineer, 1st Division, Grand Trunk Road.

SPECIFICATION OF ITEMS CHARGEABLE WITH TOLL.						FIRST CLASS.		
						A		
						For all Seasons.		
						Rs.	As.	P.
1	For each person	...	...	...	...	0	0	3
2	Do. if carrying a load or banghy	...	...	...	...	0	0	6
3	Palkee with 8 bearers and traveller	...	...	...	...	0	12	0
4	Do. " empty	...	...	...	...	0	6	0
5	Do. with 6 bearers and traveller	...	...	...	...	0	8	0
6	Do. " empty	...	...	...	...	0	4	0
7	Dooley with 4 bearers and traveller	...	...	...	...	0	6	0
8	Do. " empty	...	...	...	...	0	3	0
9	Do. with 2 bearers and traveller	...	...	...	...	0	3	0
10	Do. " empty	...	...	...	...	0	2	0
11	Ekka, Ruth or Mojhole with single bullock or pony	...	...	...	...	0	6	0
12	Do. " with pair of bullocks	...	...	...	...	0	8	0
13	Buggy drawn by horse or one or two bullocks with traveller and syce	...	...	...	...	1	0	0
14	Do. " with syce only	...	...	...	...	0	12	0
15	Four wheeled carriages on springs drawn by one horse or pair of bullocks with travellers and servants	...	...	...	...	2	0	0
16	Four wheeled carriages on springs drawn by one horse or pair of bullocks with servants only	...	...	...	...	1	8	0
17	Four wheeled carriages on springs drawn by 2 horses with travellers and servants	...	...	...	...	3	0	0
18	Four wheeled carriages on springs drawn by 2 horses with servants only	...	...	...	...	2	0	0
19	Four wheeled carriage without springs drawn by 2 bullocks, laden and with traveller	...	...	...	...	1	0	0
20	Four wheeled carriage without springs, drawn by 2 bullocks, laden and empty	...	...	...	...	0	8	0
21	Four wheeled carriage without springs, drawn by more than 2 bullocks, laden or with traveller	...	...	...	...	2	0	0
22	Four wheeled carriage without springs, drawn by more than 2 bullocks, empty	...	...	...	...	1	0	0
23	Hackery with pair of bullocks, laden	...	...	...	...	0	6	0
24	Do. " empty	...	...	...	...	0	3	0
25	Do. with 3 or more bullocks, laden	...	...	...	...	0	12	0
26	Do. " empty	...	...	...	...	0	6	0
27	Bullocks or buffaloes in droves, per score	...	...	...	...	0	8	0
28	Do. " if less than one score	...	...	...	...	0	0	6
29	Do. " laden	...	...	...	...	0	1	0
30	Sheep, goats, or such like animals in droves, per score	...	...	...	...	0	4	6
31	Do. " if less than one score	...	...	...	...	0	0	3

SPECIFICATION OF ITEMS CHARGEABLE WITH TOLL.						FIRST CLASS.
						A. For all Seasons.
						Rs. As. P.
32	Swine in droves, per score	...	...	...	@	0 8 0
33	Do. " if less than one score	...	...	...	"	0 0 6
34	Dogs	...	...	...	"	0 2 0
35	Horse with rider or syce, or both	...	...	...	"	0 6 0
36	Pony with ditto, ditto	...	...	...	"	0 3 0
37	Ass or mule laden, with driver	...	...	...	"	0 3 0
38	Do. ditto, unladen with do.	...	...	...	"	0 1 6
39	Camels, laden, in strings per $\frac{1}{2}$ score	...	...	...	"	4 8 0
40	Do. ditto, if less than 10	...	...	...	"	0 10 0
41	Do. unladen, in strings per $\frac{1}{2}$ score	...	...	...	"	3 0 0
42	Do. ditto, if less than 10	...	...	...	"	0 6 0
43	Elephant gear or howdah	...	...	...	"	1 8 0
	Horses in strings of not less than 10, being <i>bond fide</i> the property of dealer and for sale	...	...	...	"	0 3 0
	Ponies in strings of not less than 10, being <i>bond fide</i> the property of dealer and for sale	...	...	...	"	0 1 6
	Vehicles described in this Schedule as drawn by horses or bullocks, &c., to be charged at half the rates.*					
LIST OF EXEMPTIONS.						
I. Tolls are not to be taken for Troops, Military Stores, and Equipages.						
II. Tolls are not to be taken from Officers of Government within the Divisions to which they belong when they are moving in those Divisions on the Public Service.						
III. Tolls are not to be taken for vehicles or persons carrying mails.						

* Prescribed for the same vehicles "with servants only" if they are drawn by men instead of animals.
Each person accompanying the vehicles being charged in addition as a person without a load.

Sheriff's Office, the 7th November 1866.

NOTICE is hereby given that the Ninth Criminal Sessions of the year 1866 of the High Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, will be holden at the Court House, in the Town Hall of Calcutta, on Monday, the Third day of December next, at 11 o'clock in the forenoon, and so on from day to day until the Sessions be over. And it is hereby proclaimed that all persons who will prosecute any prisoner be then and there to prosecute against him.

S. A. APCAR,
Sheriff.

সরিক আফিস ১৮৬৬ সাল ৭ নবেম্বর।

সমাচার দেওয়া যাইতেছে যে সুবে বাঙ্গা-
লার কোর্ট উইলিএম দুর্গের অধীন শহর

কলিকাতা ও অন্যান্য স্থানের কোজদারী
বিচার নিষ্পত্ত জন্য আগামি ৩ ডিসেম্বর
সোমবার বেলা ১১ ঘটিকার সময় এবং যে
পর্যন্ত সেশিয়ানের কার্য শেষ না হয়
প্রতিদিন উক্ত সময়ে কলিকাতার তৌনহালে
হাই কোর্টের আদালত ঘরে সন ১৮৬৬ সালের
নবম ত্রিমিনেল সেশিয়ান বসিবেক এবং
এতদ্বারা প্রচার করা যাইতেছে যে যে সকল
ব্যক্তি কোন কয়েদীর বিরুদ্ধে কোজদারী
মিছিল করিবেক তাহারা উক্ত স্থানে ঐ
সময়ে হাজির থাকিয়া মৌকদ্দমা করে
ইতি সন ১৮৬৬ সাল তারিখ ১০ অক্টোবর।

S. A. APCAR,
Sheriff.

Sheriff's Sale ; Calcutta, the 19th September 1866.

NOTICE is hereby given that on Thursday, the Twenty-ninth day of November next, precisely at the hour of 12 o'clock at noon, the Sheriff of Calcutta will put up to public sale, at the premises lately known as the Insolvent Court premises, by virtue of a writ of *Fieri Facias* in his hands against the Effects of Sreemutty Gaetree Dabee.

The Right, Title, and Interest of the said Sreemutty Gaetree Dabee, of, in, and to the following landed property, viz. :—

LOT No. 1.—One Puttoonee Talook called Gopalpore, situated in the Suburbs of Santipore, butted and bounded in the manner following, that is to say, on the South by a public road which leads to East and West; on the West by a public road which leads to North and South; on the North by the house called Khurjolla House of Sreejoot Hurromohun Roy, and on the East by a mangoe garden of Hurromohun Roy and Sibchunder Roy, within these boundaries mentioned a garden called Khurjolla Garden which contains best mangoe and various other trees, boytuckonna, pond, and surrounded by brick-built walls, lands, rent-free land, and rented land, about forty beegahs.

2. Also a village known by the name of Gopalpore, butted and bounded in manner following, that is to say, on the West by the public road which leads to North and South; on the North by the public road which leads to East and West; on the East by the house of Radharomun Paul, Chunder Poramanick, and Shibo Ghose, and on the South by the bamboo garden of Ramkristo Chuckerbutty and Nileomul Chowdry, within these boundaries a garden called and known by the name of Bukshee Garden, which contains mangoe trees and tenants rent-free land, about five beegahs.

3. Also a piece or parcel of land called Bakda-beepore Maut, situate at Gopalpore, containing by estimation sixteen beegahs, together with a garden of the late Modhoosoodun Roy, butted and bounded in manner following: on the North by a mangoe garden of the late Shibchunder Roy; on the East by a public road which leads to North and South; on the South by a pond, and on the West by the pond and one waste land of Ramchunder Bonnerjee.

4. Also a tenanted land of the late Gocoolchunder Thackoor, situate at Gopalpore, Burrobazar, containing by estimation twenty-two beegahs.

5. Also five annas and four pie share of certain tenanted land or village called by the name of Woomeschunder, otherwise called Notoon Gram, annual income Rupees ninety-one and eleven annas.

6. Also about ten beegahs of Mal Jomye land, together with a two-storied brick-built house surrounded by brick walls standing thereupon, and containing three appurtenants, situate in Gopalpore, included in the same Talook, and butted and bounded as follows, namely, on the West of the metalled road leading from North to South; on the South by the lane which is on the South by the house of Rajnarain Chatterjee and others; on the East of the lane which leads from North of the house of Ramdhone Mookerjee.

7. Also the four annas eight gundahs three cowries and five teel share of a tank called the tank with about twelve beegahs of land on which it stands, situate in Mouzah Gopalpore, included in the same Talook, and butted and bounded as follows, namely, on the West of the late Ramrutton Roy and Ramhurry Roy's Garden; on

the North of the waste lands, on the East of the Mal Jomye lands, and on the South by Madhub Kurmoker's Garden and Madhubhurry and others house.

8. Also a sugar factory and a one-storied house attached to it, together with Lackraj land, measuring about one beegah on which the buildings stand in Mouzah Ramnuggur, included in the above Talook, and butted and bounded as follows, namely, on the South Heeralall Chatterjee's house; on the East of the said Chatterjee's plain garden; on the West of the Government metalled road, and on the North of the road leading from East to West.

9. Also the brick-built house and brick wall on three sides purchased from Mr. Black, together with a piece of Lackraj land, measuring about one beegah, in Mouzah Ramnuggur, included in the said Talook, and butted and bounded as follows, namely, on the North of the Mirsaurun; on the East of the Government Road; on the West of the land and house of Biressur Gangooly and others, and on the South of Mutty Gunge.

10. Also the bazar called Mutty Gunge, together with ten cottahs of land on which it stands, situate in Mouzah Ramnuggur, included in the same Talook, and butted and bounded as follows: namely, on the South of the road leading East to West; on the West of the road which lies in the West of Bissessur Gangooly's house and lands; on the East of the Government metalled road, and on the North of the wall of the house purchased from Mr. Black.

11. Also the mangoe and other fruit gardens called Hayatee, together with Lackraj land, measuring about six beegahs of tenanted land in Mouzah Gopalpore, included in the same Talook, and butted and bounded as follows: on the South of the large mangoe garden of Hurrymohun Roy and others, and of the late Woomeschunder Roy's garden, named Khurjollah; on the East of the house of Pultoo Sheikh and Heeroo Sheikh, who are tenants of Mal land; on the North of the late Ramrutton Roy's Garden, named Mutter Veyah, and on the West of the late Woomeschunder Roy's Garden named Khurjollah.

12. Also the mangoe garden purchased from Kholasee, together with about eight beegahs of Lackraj lands, on which it stands in Mouzah Thackoorparah, included in the same Talook, butted and bounded as follows, namely, on the South of the tank of Gourhurry Gossamy and others; on the East of the road leading from North to South; on the West of the mangoe garden of Bejoychunder Bhuttacharjee; on the North of Teski Berr.

13. Also the garden called Roycoontoo Beer with Lackraj land, measuring about thirty-six beegahs of tenanted land in Mouzah Thackoorparah, included in the said Talook, butted and bounded as follows, namely, on the South of the road; on the West of Rutton Chuckerbutty's lands; on the East of the land of Boidonath Mochhee and others, and on the North of the lane.

14. Also the whole of the place called Saheb-dangah, measuring about one hundred beegahs, the Debutter land of Kallachaund Thackoor, of which a Mourassee Pottah has been given, the said land is tenanted, and on it stands the Small Cause Court Cutcherry, situate in Mouzah Rajahpore, included in the said Talook, butted and bounded as follows, namely, on the West of the metalled road leading from North to South; on the South of the road leading from East to West;

on the East of Shahaparrah, and of the garden of Rajkristo Poddar and others and of the ditch, and on the North of the sloping land of Moonshadabo.

15. Also the eight annas share in the Lackraj land purchased from the late Muddosoodun Roy, measuring about twenty beegahs of tenanted land, which in Mouzah Gopalpore included in the same Talook, butted and bounded as follows, namely, on the North of the road leading from North to South; on the South of the house and lands of Sreeram Moondoomallah and Sreeram Colea; on the West of the house of Madhub Chunder Acharjee and Hurry Dutt.

16. Also the eight annas share in the ten beegahs of Lackraj land purchased from the late Muddosoodun Roy with mango and jack trees on it, and tenants dwelling on it, situated in Mouzah Woomes Nuggur, included in the said Talook, and butted and bounded as follows, namely, on the South of the narrow lane leading from East to West; on the West of the house of Radhakissen Thackoor and Dwarkanath Bose; on the North of the house of Khettermohun Acharjee and others, and on the East of the house of Deno Bewah.

17. Also the eight annas share in Dhee Bahadoorpore, comprising five Mouzahs, namely, Nij Bahadoorpore, Basdelepore, Buro Jancoorah, s. to Jaiaoorah, and Dey Parah, of which the annual Putnee Jumma is Rupees 2,398-14-4, and of which Baboos Kalidoss and Unnodapersad Bonnerjees, Nocoormoney and Bamsoondery Dabees and others are the registered proprietors, and which stands in the name of Tareeneepersaud Ghose.

18. Also the eight annas share in the Lackraj land, measuring about five beegahs, purchased from the late Muddosoodun Roy, situate in Mouzah Bowagachee, included in Dhee Kristochunderpore, and butted and bounded as follows, namely, on the West meadow, and on the North of the road leading from East to West on the West of the road leading from North to South; on the South of Gopalchunder Bhattacharjee's Garden, and on the East of the land of Sreeram Haldar.

19. Also the eight annas share in the Lackraj lands purchased from the late Muddosoodun Roy, measuring about five beegahs, situate in the Mouzah abovenamed, and butted and bounded as follows: on the West of the waste Mal lands and of the road leading from North to South; on the North of Ramrutton Buttacharjee's lands; on the East of the garden of the late Sibehunder Roy and others, and on the South of Dindoyal Poramanick's Garden.

20. Also one-third share of the ancestral Lackraj land, measuring about two beegahs, with tenants dwelling on it, situate in Mouzah Gopalpore, Turruff Santipore, and bounded as follows: on the West of road leading from North to South; on the South of the road leading from East to West; on the East of Joyram Paul's Putnee land, and on the North of garden of the late Woomeschunder Roy.

21. Also the one-third share in the ancestral Lackraj land, measuring about three beegahs, with tenants dwelling on it, and having tamarind, bale, and several other trees growing on it, situate in Mouzah Gopalpore, included in the same Talook, and bounded as follows, namely, on the West of the road leading from North to South; on the South of the lane leading from East to West; on the East of the house of Ramrutton Chatterjee

and Ramgopal Ghosaul, and on the North of the house of Sibehunder Paul.

22. Also one-third share in the ancestral Lackraj land, measuring about ten beegahs, with tenants dwelling on it, situated in Mouzah Rugoorampore, included in the same Talook, and bounded as follows: on the South of the lane; on the West of the drain; on the East of the houses of Luckhun Coleah and Moteeloll Coleah, and on North of Bissumbur Roy's Jomye land and of the narrow lane.

23. Also one fruit garden with rent-free land, measuring about six beegahs, situated at Mouzah Byghotee Dehee Kerr.

24. Also the two-storied brick-built house known by the name of Majirry Book, situated at Bangatehey.

25. Also eight annas share of the land purchased from Muddosoodun Roy at Gopalpore.

26. And also one lodging-house situated at Grawaree, in the district of Nuddea.

The Conditions of Sale may be known by applying at the Sheriff's Office.

S. A. APCAR,

Sheriff.

Sheriff's Sale; Calcutta, the 12th October 1866.

NOTICE is hereby given that on Thursday, the sixth day of December next, precisely at the hour of 12 o'clock at noon, the Sheriff of Calcutta will put up to public sale at the premises lately known as the Insolvent Court premises, in pursuance of an order of Court made on the 6th day of June last, in a certain cause wherein Joan Mull, who carries on trade and business in Burrabazar, in Calcutta, under the style of Soorutram Rybhun, is the Plaintiff, and Munnalall, who heretofore carried on trade and business at Agra, under the style and firm of Suntoke Roy, Roopchand, is the Defendant, for the recovery of the sum of Rupees 9,159-2-4, and interest thereon, from 6th June 1866, at 6 per cent., and costs Rupees 872-6; besides interest at 6 per cent. from the 16th June 1866, decree to be paid by the said Defendant to the said Plaintiff.

The Right, Title, and Interest of the said Defendant Munnalall of, in, and to the following deeds and documents, viz.:—

1st.—Several Bills of Sale, together with a Bill of sale from the Government to Munnalall of all that Mouzah called Pawoollee, Pergunnah Huzoor Tehseel, in the Zillah of Agra.

2nd.—Also, of, and, in Kibala, or Bill of Sale of all that one-storied shop, with the building on the upper-story and some unoccupied land situate at Mootee Kutra Goozur Khirkee, in the City of Agra, bounded as follows: On the East, by the wall of the premises now or lately belonging to Laullah Bahadoor Sing; on the West, now or lately

by the shop of one Mudden, a Painter; on the South, by the public road; and on the North, by the house and premises now or lately of the said Lallah Bahadoor Sing.

3rd.—Also a Kibala, or Bill of Sale of all that two-storied shop, with a building on the upper-story Court ground, land and premises, situate at Mohulla Motee, Kuttra Goozeer, Khirkee Kelan Khan, in the City of Agra, and bounded on the East by the house and premises now or lately of Bahadoor Sing; on the West by the house and premises now or lately of one Munnoo Goldsmith; on the South by the public road, and on the North by the wall of the house of one Biraj Aswal.

4th.—Also a Bill of Sale or Kibala of a house, with a building on the upper floor with the piece of land thereto belonging, situate in Mohulla Rastaparah Goozer Bazoer Kelan, in the City of Agra, and bounded as follows: On the East, by the public road; on the West, by the wall of Parsaud Sreebastub Keet; on the East, by the wall of Calloo Hajjaun; and on the North by a.

5th.—Also a Kibala, or Bill of Sale of all those two gardens, with twenty-two mangoe trees, and other trees numbered respectively 157 and 755, situate in Mouzah Berolee, Aveer Pergunnah Huzoor Tuhseel, Zillah Agra.

6th.—Also a Kibala, or Bill of Sale of all that piece or parcel of land, situate at Mohullah Motee Kuttra, known as Koocha Galigon Goozea Ghen Khan, in the City of Agra, and bounded on the East by a public lane; on the West partly by a blind lane, and partly by the house of Belas Roy; on the South by the house of Lallah Bahadoor Sing; and on the North by the house of the said Belas Roy Aswal.

7th.—Also a decree obtained by Munnaloll against James Carter for Rupees 2,500.

8th.—Also a Promissory Note or Tumsook from one Hoolasey to Munnaloll for Rupees 28-8 and interest.

9th.—Also a decree obtained by Munnaloll against Hurreeram for Rupees 25-12.

10th.—Also a decree obtained by Munnaloll against Mohunloll for Rupees 20-2-3.

11th.—Also a letter of Laulehund to Munnaloll's firm of Surtok Roy Roopchund, admitting Rupees 800, balance of account, to be due to Munnaloll.

12th.—Also Tummusook from Pertaub to Munnaloll for Rupees 18.

13th.—And also an acknowledgment in the way of a Promissory Note or Tummusook from Baboo Rao Angray Wuzarut male Sewal Surkhul, otherwise called Appa Sahib, of Gawalior, admitting that he owes to Munnaloll's firm of Surtok Roy Roopchund Rupees 32,301-14-6.

The several documents above referred are in the hands of the Sheriff, and will be delivered by him to the respective purchasers thereof, on the completion of the purchase and sale.

The Conditions of Sale may be known by applying at the Sheriff's Office.

S. A. APCAR,
Sheriff.

The Bankruptcy Act, 1861.

JOHN FOMBELLE TEMPLER, of Shaldon, in the County of Devon, late a Captain in Her Majesty's Indian Army, having been adjudged Bankrupt under a Petition for Adjudication of Bankruptcy, filed in Her Majesty's Court of Bankruptcy for the Exeter, District Devonshire, England, on the 27th day of July 1866, a Public Sitting for the said Bankrupt to pass his last examination and make application for his discharge will be held before BIGGS ANDREWS, Esq., the Commissioner of the said Court, on the Thirty-first day of January next, at 12 of the clock at noon precisely, at Queen Street, Exeter, by adjournment from the 1st October 1866, the day last aforesaid being the day limited for the said Bankrupt to surrender.

The First Meeting of Creditors has been duly held, and at the Public Sitting above-mentioned proofs of debts of Creditors who have not proved will be received; and the Bankrupt will be required to surrender himself to the said Court, and to submit himself to be examined, and to make a full disclosure and discovery of all his Estate and Effects, and to finish his examination.

Notice is hereby also given to all persons indebted to the said Bankrupt, or that have any of his Effects, not to deliver the same but to Mr. T. Carriek, Queen Street, Exeter, Official Assignee, whom the Court has appointed, and give notice to Mr. Thomas Floud, of Exeter, Devonshire, England, the Solicitor in the Bankruptcy.

Notice.

"MACHINERY AND HARDWARE DEPARTMENT."

THE separate business carried on by the undersigned in the above branch of trade will, in future, be conducted and carried on under the style and firm of

LEPAGE, NEPHEW, & CO.

Office—2, DALHOUSIE SQUARE.

Godown—2, MISSION ROW.

Workshops—5, RANEEMOODY GULLY.

R. C. LEPAGE & Co.

CALCUTTA,

The 1st November 1866.

IN reference to the above Notice, MR. R. C. LEPAGE, Junior, is hereby empowered to sign the firm of

LEPAGE, NEPHEW, & CO.

and to conduct the business in India.

MR. R. C. LEPAGE, Senior, with a competent staff, attends to the business in England.

Orders may be sent direct, or through the Calcutta House; if direct, references or arrangements for payment will be necessary.

Contracts entered into and Commissions received for all descriptions of Machinery, Metals, Tools, and Hardware.

Further particulars on reference to the Calcutta or London House.

ADDRESS IN LONDON—

No. 1, Whitefriars Street, Fleet Street

Statement of the Affairs of the Bank of Bengal for the Week ending the 13th November 1866.

LIABILITIES.				Ra. As. P.			
Proprietors' Capital, paid-up	...	...	...	2,20,00,000	0	0	
Reserve Fund	...	...	...	18,33,505	12	7	
General Treasury Balance at Head Office	...	...	...	9,22,331	9	5	
ditto	...	...	...	45,39,053	2	1	
Other Deposits at Head Office and Branches	...	...	...	3,71,81,439	0	1	
Bank Post Bills, &c.	...	...	...	4,33,891	12	11	
Bank Notes Outstanding	...	...	...	96,190	0	0	
Sundries	...	...	...	7,93,459	14	10	
							Rupess ... 8,79,39,248 3 11

ASSETS.				Ra. As. P.			
Government Securities	
Loans on Government Securities at Head Office and Branches	
ditto	
Accounts of Credit on ditto	
ditto	
Mercantile Bills discounted at	
ditto	
Dead Stock	
Stamps	
Balances with other Banks	
Sundries	
Cash and Currency Notes at Head Office	
ditto	
at Branches	
							Ra. 2,93,10,960 7 3 } 4,09,30,978 11 1 " 1,11,10,018 3 10 }
							Rupess ... 6,78,39,248 3 11

By Order of the Directors.

Gao. Dickson,
Secretary and Treasurer.

Bank of Bengal.

MR. C. N. COOKE has resumed charge of the office of Deputy Secretary and Treasurer of the Bank from this date.

By Order of the Directors,

GEO. DICKSON,
Secretary and Treasurer.

CALCUTTA,
The 19th November 1866. }

Notice.

UNION STEAM TUG COMPANY, "LIMITED," IN
LIQUIDATION.

A GENERAL Meeting of the Shareholders of the above Company will take place at the registered Office of the Liquidators, No. 17, Sukea's Lane, on Monday, the 17th December next, at 3 p. m., for the purpose of passing the final accounts of the Company, and considering such other business as may be brought before the Meeting.

M. GREGORY AND CO.,
Liquidators.

CALCUTTA,
The 15th November 1866. }

Seesaugor Tea Company, " Limited."

Notice is hereby given that an Ordinary Half-yearly General Meeting of the Shareholders of the above Company will be held on Saturday, the Twenty-fourth day of November instant, at 12 o'clock, at the registered Office of the Company, No. 7 Mission Row, Calcutta, for the transaction of such business as may be brought before it.

BEGG, DUNLOP & Co.,
Secretaries.

CALCUTTA,
The 6th November 1866. }

With reference to the above, notice is hereby further given that a notice has been duly given to the Secretaries of the Company of the intention of one of the Shareholders to propose at such Meeting the following special Resolution, viz. :—
“That this Company be wound up voluntarily under the provisions of the Indian Companies’ Act of 1866.”

BEGG, DUNLOP & Co.,
Secretaries.

The 8th November 1866.

**R. Scott Thomson and Company,
"Limited."**

THE Seventh Half-yearly Ordinary General Meeting of Shareholders will be held at the registered Office of the Company, No. 13, Government Place, on Saturday, the 24th November 1866, at noon, for the purpose of declaring an *ad interim* Dividend for the Half-year ending 30th September last.

By Order of the Directors,

F. STUART,
Secretary.

CALCUTTA
The 6th November 1866. }

Notice.

**BENGAL MILLS COMPANY LIMITED IN
LIQUIDATION.**

A General Meeting of Shareholders of the above Company will take place at No. 69, New China Bazar, on Saturday, the 15th December next, at 3½ P. M., for passing the Accounts of the Company from 1st September 1865 to 30th November 1866, for receiving the Liquidators' Report, declaring a dividend, and transacting such other business as may be brought before the Meeting.

TOOLSEEDOSS DUTT,
GOBINCHUNDER DHURR,
Liquidators.

CALCUTTA,
The 12th November 1866. }

Cachar and Assam Company, "Limited."

THE Sixth Ordinary General Meeting of the above Company will be held, at the Office of the Secretaries, at noon, on Saturday, the 24th November, for the purpose of receiving the Directors' report and accounts for the half-year ending the 30th June last. The Meeting will then be made special, and the following resolutions brought forward.

"To alter the Articles of Association of the Company by inserting a power therein, authorizing the Directors to borrow one lac (Rupees 1,00,000) of Rupees on the security of the Company's Estates and Crop upon such terms as may be thought fit;" or

"That the Articles of Association of the Company be altered by inserting a power therein, authorizing the Directors to issue preference shares for the purpose of raising one lac (Rupees 1,00,000) of Rupees;" or

"That the Company be wound up."

JOHN ELLIOTT AND CO.,
Secretaries.

Notice.

THE Sixth Half-yearly Ordinary General Meeting of the Shareholders of the Calcutta Screwing Company Limited will be held at the Company's Office, in the Bonded Warehouse, at 1 P. M., on Saturday, the 15th December next, for the purpose of passing the Accounts for the Half-year ending 31st October 1866 and of declaring a dividend.

T. C. CADOGAN,
Managing Director.

CALCUTTA,
The 12th November 1866. }

Lost or stolen.

HALVES of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta, Nos. A13—61139, A30—85399, for Rupees 100 each.

SOMEERUDEE SIRCAR.

The 9th November 1866.

Lost or Stolen,

A Government Currency Note, No. A11—58794, for Rupees 50. Payment stopped.

DALLA KANTAPERSAUD.

Lost,

IN transmission through post, the following Government Currency Notes, payment of which has been stopped at the Office of the Currency Commissioner:—

Nos. A28—52919, 64133, 54943, 71755, 66350, 62517, 59169, 57176, 57937, nine Notes, at Rupees 1,000 each.

ORIENTAL BANK CORPORATION, }
Calcutta, the 7th November 1866. }

Lost,

THE Second half of Government Currency Note, No. A8—05957, for Rupees 10. Payment stopped at the Currency Office.

WILLIAM SCOTT, *Pensioner,*
for
C. EDWARDS.

The 8th November 1866.

Lost or Stolen.

HALF of the following Currency Note, intimation of loss given to the Currency Office, Calcutta:—

No. A37—90553, for Rupees 100.

RAMPAL MONORATH 'Doss'

The 6th November 1866.

[2021]

Lost or Stolen.

HALF of Currency Note, No. A9—79303, for Rupees 20, intimation of loss given to the Currency Office, Calcutta.

Lost or Stolen.

HALF of the following Currency Note, intimation of loss given to the Currency Office, Calcutta:—

No. A29—38283, for Rupees 500.

Lost or Stolen.

HALVES of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

Nos. A25—63491 and 63798, for Rupees 20 each.

No. A19—06455, for Rupees 10.

Lost or Stolen.

HALF of the Currency Note, No. A25—90038 (marked 'E. 23-8-66') for Rupees 20.

Lost.

HALF of Government Currency Note, No. A30—66314, for Rupees 100, intimation of loss given to the Currency Office, Calcutta.

Lost.

HALF Notes, Nos. 93391, 93374, 95038, 96100, 64966, 71428, 87297, 61170, 64954, each for Rupees 20.

GRISDALE & Co.

Lost.

HALVES of the following Government Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

Nos. A6—63728, A19—46007, and A6—63038, for Rupees 10 each.

Lost.

HALF of Government Currency Note, No. A 06740, for Rupees 50, intimation of loss given to the Currency Office, Calcutta.

Lost.

THE HALVES of Government Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

No. A19—07948, for Rupees 10.

„ A18—18995, „ „ 10.

Lost.

HALVES of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

No. A18—23434, for Rupees 10.

„ A18—23435, for Rupees 10.

„ A18—23436, for Rupees 10.

SREENAATH BANERJEE & BROTHERS,

Book-sellers, Cossitolah, Calcutta.

Lost or Stolen.

GOVERNMENT Currency Note, No. A11—98794, for Rupees 50.

KANTAPERSAUD.

Just published.

In Pamphlet Form.

ACTS AND ORDERS relating to the Engagement and Transport of Native Laborers under contract for employment in Assam, Cachar, and Sylhet. Price—8 Annas.

To be had on application at the Offices of the Superintendent of Labor Transport, Calcutta, Commissioner of Assam, and Deputy Commissioner of Cachar.

A Bengallee Translation of the Acts and Orders, recently published, is also to be had at the same price in the Office of the Superintendent of Labor Transport, Calcutta.

Edited by the Secretary, Board of Revenue.

THE FIRST COMPLETE EDITION OF THE RULES OF THE REVENUE DEPARTMENT.

JUST PUBLISHED,

In one Vol. strongly bound half calf, interleaved.

Price 6 Rs. : Packing Charges and Postage 1 Re. extra.

[Should postage stamps be remitted, one anna additional in the Rupees must be sent to cover discount on sale of stamps.]

RULES

FOR THE

GUIDANCE OF OFFICERS

ENGAGED IN

THE ADMINISTRATION

OF THE

REVENUE DEPARTMENT

IN THE

LOWER PROVINCES OF BENGAL.

Ⓒ-27 This work supersedes "Hume's Manual," and will be the Text Book for the examination of Assistant and Deputy Collectors, so far as the Rules of the Board of Revenue are concerned. It is indispensable to all Revenue Agents and Pleaders who practise in Revenue Courts, and to all who have business in Revenue Offices throughout the country.

The number of copies available is limited.

ALSO JUST PUBLISHED,

Price 4 As. : Packing Charges and Postage 2 annas extra.

WASTE LAND RULES,

BEING

CHAP. XXVI. OF THE RULES OF THE BOARD OF REVENUE

CALCUTTA:

OFFICE OF SUPDT. OF GOVT. PRINTING,
MILITARY ORPHAN PRESS

1866.

Stolen,				
Currency Note,	No.			
	22495,	for Rs.	100	
"	"	"	100	
"	"	"	100	
"	"	"	100	
"	"	"	100	
"	"	"	100	
"	"	"	100	
"	"	"	100	
"	"	"	100	
"	"	"	100	

H. P. WYNCH, *Captain,*
District Supdt., B. P.

Notice.

I, the undersigned, hereby give notice that a Government Currency Note, No. 029—56266, for Rupees (1,000) one thousand, was accidentally destroyed by me by fire, and that I have made application for one in lieu thereof as authorized by Government of India's Notification No. 1001A, dated 30th July 1866.

RUSTOMJEE RUTTONJEE.

BOMBAY, }
The 26th October 1866. }

Mutilated.

A CURRENCY Note, intimation of loss given to the Currency Office, Calcutta :—
No. A9—76852, for Rupees 20.

SREENEBASS DASS.

Lost.

A WHOLE Currency Note, No. A12—11695, for Rupees 50, the property of Mr. P. Mills. Payment of the above is hereby stopped.

H. LAWRENCE,
Assistant Commissioner.

Lost.

THE Right-half of Government Currency Note, No. A8—05957, for Rupees 10.

C. EDWARDS,
Govt. Pensioner.
The 14th November 1866.

Lost.

RIGHT-HALF of Bank Note, No. A9—68857, for Rupees 20.

Lost,
RIGHT-HALF Bank Note of Rupees Twenty,
No. A9—69857.

Lost.

ON the 2nd September 1866, Right-half of the following Currency Note, intimation of loss given to the Currency Office, Calcutta :—

No. A19—06039, dated 9th May 1862, Calcutta, for Rupees 10.

BROJONATH CHATTERJEE,
Khoolnah.

Destroyed.

PORTIONS of the following Currency Notes, intimation of mutilation given to the Currency Office, Calcutta :—

No. A30—26995, for Rupees 100.
No. A30—66796 " " 100.

H. C. SUTHERLAND,
Offg. Collector.

Lost or Stolen.

LEFT-HALF of the following Government of India Currency Note, intimation of loss given to the Currency Office, Calcutta :—

No. A19—19632, for Rupees 10, dated 9th May 1862.

Lost.

A Government Currency Note, intimation of loss given to the Currency Office, Calcutta :—
No. A27—22104, for Rupees 20.

NEMY CHURN CHUCKERBUTTY.

The 13th November 1866.

Lost or Stolen.

HALF of the following Currency Note, intimation of loss given to the Currency Office, Calcutta :—

No. A19—87016, for Rupees 10.

Lost or Stolen.

ON the 5th November 1866, the following Government Promissory Notes, property of last Holder, Sreeram Palit :—

No. 8339 of 4232, dated 31st March 1836, of 4 per Cent., Rupees 500.

No. 401 of 32848, dated 30th June 1854, of 4 per Cent., Rupees 1,000.

No. 9526 of 27240, dated 28th February 1857, of 5 per Cent., Rupees 1,000.

Payment of the above Notes and Interest thereupon has been stopped, and application is about to be made to Government for the issue of duplicate Notes.

[2023]

Caution.

THE Public are hereby cautioned against purchasing or taking in mortgage from Newab Seedee Nuzur Ally Khan a zemindary called Pergunnah Midnapore, &c., situate in Zillah Midnapore, or the undermentioned Soonderbund grants collectively known as the Furreedoonabad Estate, (that is to say)—

Messrs. Gordon, Stuart and Co.'s Grant, No. 79, containing 11,600 beegahs of land in Lot Wagilda.

Messrs. Bagshaw and Co.'s Grant, No. 90, containing 11,700 beegahs of land in Lot Auerutollah.

Mr. Harris's Grants, Nos. 57, 58 and 67, containing 70,000 beegahs of land in Lot Mutbaree and Kally Rutullo and Alanobaker.

Mr. Storm's Grants, Nos. 91, 92 and 100, containing 42,500 beegahs of land in Lot Bhowaneepore, Bissunpore and Fulanee;
and

Mr. Heatley's Grants, Nos. 87, 88, 89, 93, 94, 95, 96 and 97, containing 29,000 beegahs of land, in Lots Hossenabad, Mohunpore, Sootkooreah, Kallydangah, Nowpira, Sawria and Bhoysa Gungarampore, Pergunnah Bhowaneepore.

The Public are also cautioned against purchasing or taking in mortgage from the said Newab Seedee Nuzur Ally Khan his dwelling-house, situate at Ballygunge, or any other real properties, in his possession or standing in his name, situate at Moorshedabad, Calcutta, and elsewhere, inasmuch as a decree has lately been obtained by Rajah Ojodeeram Khan against him and others in the Judge's Court at Midnapore, whereby it was decided that the said Newab Seedee Nuzur Ally Khan is not a *bona fide* purchaser for valuable consideration of the said zemindary, Pergunnah Midnapore, &c., and the said Newab Seedee Nuzur Ally Khan will be found largely indebted to the said Rajah Ojodeeram Khan on account of the mesne profits which have accrued during his possession of the said zemindary.

CALCUTTA,
The 12th October 1866. }

**NOTICES issued by the
POST-MASTER of CALCUTTA.**

No. 168.

The 10th November 1866.—The Public are informed that an Express Packet will be sent to Bombay on Thursday, the 22nd instant, and letters will be received up to 6 p. m. of the same day.

The Express Postage must be paid in at one Rupee per $\frac{1}{2}$ of an Ounce in addition to the Steamer Postage.

Letters for the Express will be received by a Clerk at the Window.

No. 169.

The 13th November 1866.—The Overland Mail per Steamer *Golconda* will be closed on Thursday, the 22nd instant, at 6 p. m.

Letters for Madras, Ceylon, the Straits, China, Mauritius, Cape of Good Hope, St. Helena, and Australia, can be sent by this opportunity.

	Weight.	Via Marseilles.	Via Southampton.
Postage.	Under $\frac{1}{2}$ Ounce	Rs. 0 6 8	Rs. 0 4 0
	" 1 "	" 0 13 4	" 0 8 0
	" 2 "	" 1 10 8	" 1 0 0

No. 176.

The 17th November 1866.—An After-Packet per Steamer *Golconda* will be closed at 6 p. m. on the 23rd instant, the following rates of Inland Postage must be prepaid on all letters and newspapers in addition to the usual Steam Postage, viz.:—

On Letters.

		Rs.	As.	P.
Weighing under	$\frac{1}{2}$ oz.	0	1	0
"	1 oz.	0	2	0
"	2 oz.	0	4	0

and so on, two annas being added for every additional ounce or fraction thereof.

On Newspapers.

		Rs.	As.	P.
Weighing under	2 oz.	0	0	6
"	4 oz.	0	1	0

and so on, one anna being added for every additional $\frac{1}{2}$ oz. or fraction thereof.

The above rates do not apply to letters addressed to passengers on board the out-going Steamer; such letters will be subject to the ordinary Inland Postage.

Books per After-Packet will be charged at the Indian Inland rates in addition to the usual Steam Postage for books.



APPENDIX TO
The Calcutta Gazette.

WEDNESDAY, NOVEMBER 21, 1866.

NOTICE

Is hereby given that the sale of the Proprietary right of Government to the Estates enumerated in the following Advertisements of Sale will be made subject to these

CONDITIONS OF SALE:

1st.—The Estates to be sold, subject to the Government Revenue against each, to the highest bidder above the upset price.

2nd.—The sale to be subject to existing leases and to the rights conferred by the settlement proceedings and laws in force, and Purchasers to be bound to respect the rights of resident cultivators who have signed the Schedule of Assessment made by the Revenue Authorities.

3rd.—If the amount of purchase-money do not exceed Rupees 100, the whole amount to be paid down at once.

4th.—If the amount of purchase-money exceed Rupees 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding Office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the Estate to be again put up for sale at the risk of the defaulting Purchaser after issue of advertisement as in the case of original sale.

5th.—In addition to the ordinary Government Revenue fixed on the Estates, the Purchasers shall be bound to pay for the construction of roads and improvement of communications one per cent. on the Government Revenue assessed from the date of entry upon the purchase. This sum will be leviable in the same manner as other arrears of Revenue.

By Order of the Board of Revenue, L. P.,

R. B. CHAPMAN,
Secretary.

ADVERTISEMENT OF SALE.

NOTICE is hereby given that the Proprietary right of Government to the under-mentioned Estates, situated in the District of Bhullooah, will be put up to sale, in the Bhullooah Collectorate, on Monday, the 3rd December 1866, corresponding with 19th Agran 1273 B. S.

The Purchasers of the Estates will be subject to the Conditions of Sale notified under the signature of the Secretary to the Board of Revenue at the head of this Appendix, with the addition of the following Condition, viz.:—

1. That the purchase will have effect from 1273 B. S.

Number of Statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Area in Acres.	GOVERNMENT REVENUE.			Upset Price.	REMARKS.
				Revenue assessed.	Road Cess.	Total.		
			A. R. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
54	1452	Chur Jozid Nuzidpore ...	216 3 32	195 0 0	2 0 0	197 0 0	390 0 0	
68	1510	Chur Gandea ...	55 3 13	63 0 0	1 0 0	64 0 0	126 0 0	

BHULLOOAH COLLECTORATE, }
The 27th August 1866.

J. C. PRICE,
Offg. Collector.

NOTICE is hereby given that the Proprietary right of Government in the under-mentioned Plots of C. Land relinquished by the East Indian Railway Company, situated in the District of Shahabad, will be put up to sale, Revenue free, at the Shahabad Collectorate, on Friday, the 30th day of November 1866, corresponding with 8th Aaghuu 1274.

The Purchasers of these Plots will be subject to the Conditions of Sale notified under the signature of the Secretary to the Board of Revenue at the head of this Appendix:—

Number of Statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Area in Acres.	GOVERNMENT REVENUE.			Upset Price.	REMARKS.
				Revenue assessed.	Road Cess.	Total.		
			A. R. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
...	...	Kusbeh Hameedpore, Pergunnah Arrah ...	5 3 19½	.....	.....	.....	45 0 0	
...	...	Nawadahben, Pergunnah Arrah ...	3 2 30½	.....	.....	.....	55 0 0	
...	...	Koerdel, Pergunnah Beeheca ...	1 0 17	.....	.....	.....	5 0 0	
...	...	Jogeebeer, Pergunnah Beeheca ...	2 0 10	.....	.....	.....	30 0 0	
...	...	Dhakyeche, Pergunnah Bhojepore ...	4 0 31½	.....	.....	.....	32 0 0	
...	...	Bhojepore Jadeed, Pergunnah Bhojepore ...	0 1 13½	.....	.....	.....	5 0 0	
...	...	Buroona Bectulpore, Pergunnah Bhojepore ...	1 0 15½	.....	.....	.....	10 0 0	
...	...	Jugdeespore, Pergunnah Bhojepore ...	1 3 31½	.....	.....	.....	32 0 0	
...	...	Chousakhass, Pergunnah Chousa ...	2 0 1½	.....	.....	.....	16 0 0	
...	...	Khelafutpore, Pergunnah Chousa ...	10 2 33	.....	.....	.....	85 0 0	

SHAHABAD COLLECTORATE,
The 4th October 1866.

H. ALEXANDER,
Collector.

NOTICE is hereby given that the Proprietary right of Government to the under-mentioned Estates, situated in the District of Sylhet, will be put up to sale, in the Sylhet Collectorate, on Tuesday, the 4th December 1866, corresponding with 20th Agrahan 1273 B. S.

The Purchasers of these Estates will be subject to the Conditions of Sale notified under the signature of the Secretary to the Board of Revenue at the head of this Notice :—

Number of Statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Area in Acres.	GOVERNMENT REVENUE.									Upset price.	REMARKS.
				Revenue assessed.			Road Cess.			Total.				
				A.	R.	P.	Rs.	A.	P.	Rs.	A.	P.			Rs.	A.	P.
772	9735	Talook Sheik Haroo, Pergunnah Chaup Ghan	2 3 0	7	15	0	0	2	0	8	1	0	15 14 0	Will be sold retaining the Government Revenue.
773	2980	Talook Joyram, Pergunnah Julsooka	27 2 38	2	0	0	0	0	3	2	0	3	4 0 0	
	39638	No. Manamed Shoruff, Pergunnah Kha-leeshabun Bag	0 2 3	.....	.....	.....	.....	.....	.....	.....	.....	17 8 0	Will be sold Revenue free.
774	2891	No. Keshino Gobind Surnah, Pergunnah	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
775		Dacca Duclia	1 0 26	.....	.....	.....	.....	.....	.....	.....	.....	2 7 2	

T. WALTON,
Collector.

NOTICE is hereby given that the Proprietary right of Government to the undermentioned Estates, situate in the District of Backergunge, will be put up to sale, at the Backergunge Collectorate, on Friday, the 28th December 1866, corresponding with the 14th Pous 1273 B. S.

The Purchasers of these Estates will be subject to the Conditions of Sale notified under the signature of the Secretary to the Board of Revenue at the head of this Appendix :—

Number in State- ment of Govern- ment Estates.	Number on the Dis- trict Roll.	Names of Estates and Pergunnahs.	Area in Acres.	GOVERNMENT REVENUE.			Upset Price.
				Revenue assessed.	Road Cess.	Total.	
			A. R. P. Yd. Ft.	R. A. P.	R. A. P.	R. A. P.	R. A. P.
249	1400	Kharija, Pergunnah Bangrora Anonto- ram Chokro Howla	1 2 0 0 0	4 0 8	0 0 8	4 1 4	8 0 0
252	2812	Ditto Utar Shaha- bazpur, Kashiram Kishto Jibun Gupto Taluk ...	6 2 0 0 0	25 15 0	0 4 2	26 3 2	52 0 0

ZILLAH BACKERGUNGE;
Collector's Office,
The 2nd November 1866.

H. C. SUTHERLAND,
Officiating Collector.

NOTICE

Is hereby given that the Proprietary right in the Government Estate, Hât Chitla, No. 1069, of the 24-Pergunnahs' Collectorate, situated in Pergunnah Mugoora, in the District of the 24-Pergunnahs, will be put up to sale at the Office of the Collector of the 24-Pergunnahs on the 1st day of February 1867.

2. The Estate will be sold to the highest bidder above (7,000 Rupees) seven thousand Rupees.

3. The Estate consists of 13*bgs.* 6*cat.* 5*ch.* of Chandnee land (more or less), and of 3*bgs.* 17*cat.*, 15*ch.*, more or less, on which the well-known Chitla Hât is held.

4. The purchase will take effect from the 1st of May 1867, from which date the Purchaser will acquire the proprietary right, subject to its liabilities for the eleven months, from 1st of May 1867 to 31st March 1868; the Purchaser will be liable to pay Rupees 3,208 as Government revenue. From the 1st of April 1868 to the 31st March 1869, and for every subsequent year, the demand of Government revenue will be Rupees 3,500.

5. Intending bidders can see all papers and learn all particulars by calling at the Office of Mr. Deputy Collector Heysham at Alipore.

6. The sale will be subject to the following Conditions:—

I. One-fourth of the amount bid must be immediately deposited, otherwise the Estate will be at once put up to sale again.

II. If the balance of purchase money be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or, if that day be a close holiday, then by noon of the first succeeding Office day, the sale will be cancelled, (the sum deposited being forfeited to Government,) and the Estate will be again put to sale, at the risk of the defaulting Purchaser, after issue of advertisement, as in the case of original sale.

III. In addition to the ordinary Government revenue fixed on the Estate, the Purchaser shall be bound to pay, for the construction of roads and improvement of communications, one per cent. on the Government revenue assessed from the date of entry upon the purchase. This sum will be leviable in the same manner as other arrears of revenue.

H. L. DAMPIER,

Commissioner of the Naddea Division.



APPENDIX (No. II.) TO
The Calcutta Gazette.

WEDNESDAY, NOVEMBER 21, 1866.

LAND SALE NOTICES.

NOTICE is hereby given that the notice of sale of Class I. permanently-settled Estates, being Towjees Nos. 1298 and 1299, seven annas and five annas twelve gundah shares of Pergunnah Suryle, respectively, which appeared in the *Calcutta Gazette* of 10th and 24th October, under date 3rd October 1866, is hereby cancelled.

TIPPERAH,
The 30th October 1866. }

F. G. MILLETT,
Collector.

NOTICE is hereby given under Section VI., Act XI. of 1859, that the undermentioned Estates, in Zillah Shahabad, will be put up to public and unreserved Sale, at the Collector's Office of that District, on Tuesday, the 4th December 1866, corresponding with the 12th Aghan, 1274 Fuslee, for arrears of Revenue and other demands, which by the Regulations and Acts in force are directed to be realized in the same manner as arrears of Revenue due on the 28th September 1866 :—

Class IV.—Estates to be sold on account of demands realisable in the same manner as arrears of Revenue No. 718. The right and interest of Beja Sing, judgment-debtor in Mehal Bugsunda, Pergunnah Chousa, in satisfaction of an Act X. of 1859, decree; recorded Proprietor, Neim Sing Jugernath Sing and others; Sudder Jumma, Rupees 501.

SHAHABAD COLLECTORATE,
The 5th October 1866. }

H. W. ALEXANDER,
Collector.



APPENDIX (No. III.) TO
The Calcutta Gazette.

WEDNESDAY, NOVEMBER 21, 1866.

No. 46.
Register of sales of Waste Lands prescribed by Rule VIII. of the Rules for the sale of unassessed Waste Lands.

1	2	3	4	5	6	7	8	9	10
Consecutive Number of Sales in the order in which they are made.	Number of entry in Registry No. 41 of Waste Lands under which the lands are included.	Number of the Application in Register No. 40, and name of Applicant.	Pargannah, Thannah, or Sub-Division in which situated.	Village or Township.	Area and Boundaries of the Plot as ascertained by Survey.	Date of Sale.	Name and Residence of Purchaser.	Amount paid for Survey, Clearance, and Advertisement.	Price for which sold and rate per Acre.
73	1	94 Sheik Mahomed Bussirollah Chowdry.	Thannah Zorom-gungo.	Joypoor, Poorub Jowar, Olee-nuzger, Chutturua, and Ghoromarrak.	Area about 137 Acres. Bounded on the North—By the assessed lands of Mouzals Joypoor, Poorub Jowar, and Olee-nuzger, and by the southern margin of three lakes. South—By the Lukheserra. East—By the assessed lands of Mouzals Ghoromarrak and the Lukheserra. West—By the assessed lands of Mouzals Olee-nuzger, Chutturua, and the Lukheserra.		Ran Coomar Kur, of Kanjaungger.	For Clearance ... 20 0 0 " Survey ... 51 6 0 " Advertisement ... 16 0 0	Rs. As. P. 2,740 0 0, at 20 per Acre.
	1	98 Kisto Chunder, Odoy Chunder, and Muddoo Chunder Tancoor.	Thannah Futtick-churry.	Andarmanick...	Area about 371 Acres. North—By the Fenny River. South—By the Burra Punnoserra, the Chota Punnoserra, and a line running in a North-Easterly direction from post 78 on the Chota Punnosera to post 87 on the Andarmanickserra as demarcated by posts on the spot and exhibited in the plan marked D by Ramchunder Roodro, Ameen, and filed in the Collector's Office. East—The Fenny and the Andarmanickserra. West—By the Fenny and the Burra Punnoserra.	2nd August 1866.	Kisto Chunder, Muddoo Chunder, Odoy Chunder, Ramkanto Chowdry, Ram Coomar Kur.	For Survey ... 70 0 0 " Clearance ... 0 0 0 " Advertisement ... 16 0 0	4,359 4 0, at 11-12 per Acre.

1	2	3	4	5	6	7	8	9	10
Consecutive Number of Sales in the order in which they are made.	Number of entry in Register No. 41 of Waste Lands under which the lands are included.	Number of the Application in Register No. 40, and name of Applicant.	Pergunnah, Thannah, or Sub-Division in which situated.	Village or Township.	Area and Boundaries of the Plot as ascertained by Survey.	Date of Sale.	Name and Residence of Purchaser.	Amount paid for Survey, Clearance, and Advertisement.	Price for which sold and rate per Acre.
75	4	09 W. L. Wal- lace.	Thannah Roajan.	Pomrah	... Area about 798 Acres. North—By the assessed lands of Mouzah Pomrah. South—By the Rugwan Hazaree Dollah and the assessed lands of Mouzah Pomrah. East—By the assessed lands of Mouzah Pomrah West—By the Burra Allen Dollah and assessed lands of Monzah Pomrah.	2nd August 1866.	Kantapersaud Hazaree, of Underkilla.	For Survey ... 199 8 0 Clearance ... 0 0 0 " Advertisement ... 18 0 0	Rs. As. P. 2,493 12 0, at 3-2 per Acre.

CHITTAGONG COLLECTORATE, }
The 28th September 1866. }

R. H. WILSON,
Offg. Collector.



The Calcutta Gazette.

WEDNESDAY, NOVEMBER 28, 1866.

Home Department.

LEGISLATIVE.

THE following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information:—

ACT No. XXVII of 1866.

To consolidate and amend the Law relating to the conveyance and transfer of property in British India vested in Mortgagees and Trustees, in cases to which English Law is applicable.

WHEREAS it is expedient to consolidate and amend the laws relating to the conveyance and transfer of moveable and immovable property in British India vested in Mortgagees and Trustees, in cases to which English law is applicable; It is hereby enacted as follows:—

1. Section 3 of Act XXIV of 1841 (*for the greater uniformity of the Law administered by Her Majesty's Supreme Courts with that administered in England, in regard to the undisposed residue of the effects of Testators; Illusory Appointments; the transfer of Estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons, and other like matters*) and so much of Act XIV of 1852 (*for extending the provisions of Acts XXIV of 1841 and XVII of 1843 to the Straits Settlements*), as extends the provisions of the said Section to the Settlement of Prince of Wales' Island, Singapore, and Malacca, are hereby repealed: Provided that all proceedings under the said Section or Act commenced before this Act comes into operation, may be proceeded with under the said Section or Act or according to the provisions of this Act, as shall be thought expedient by the person by whom they were commenced.

2. In this Act, unless there be something repugnant in the subject or context—

"Immovable property" shall extend to and include messuages, tenements, and hereditaments, corporeal

and incorporeal, of every tenure or description, whatever may be the estate or interest therein:

"Stock" shall mean any fund, annuity or security transferable in books kept by any company or society established or to be established, or transferable by Deed alone, or by Deed accompanied by other formalities, and any share or interest therein. It shall also include shares in ships registered under the Merchant Shipping Act, 1854, or at any port in British India:

"Hold" and "holding" shall be applicable to any vested estate, whether for life or of a greater or less description, in possession, futurity or expectancy, in any immovable property:

"Contingent right" as applied to immovable property shall mean a contingent or executory interest, or possibility coupled with an interest, whether the object of the gift or limitation of such interest or possibly be or be not ascertained; also a right of entry, whether immediate or future and whether vested or contingent:

"Convey" and "Conveyance" applied to any person, shall mean the execution by such person of every necessary or suitable assurance for conveying or disposing to another immovable property which such person holds, or in which he is entitled to a contingent right either for the whole estate of the person conveying or disposing, or for any less estate, together with the performance of all formalities required by law to the validity of such conveyance, including the acts to be performed by married women and tenants in tail in accordance with the provisions of Act XXXI of 1854 (*to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable*):

"Transfer" shall mean the execution and performance of every deed and act by which a person entitled to stock or Government securities can transfer such stock or Government securities from himself to another:

"High Court" shall mean every Court now or hereafter established under the Statute 24 and 25 Vic.,

cap. 104, and also the Chief Court of the Punjab, or such one or more Judges of the said Courts respectively as shall be appointed by the Chief Justice or the Senior Judge, as the case may be, to entertain applications and make orders under this Act:

"Trust" shall not mean the duties incident to an estate conveyed by way of mortgage; but with this exception, the words "Trust"

and "Trustee" shall extend to and include implied and constructive trusts, and shall extend to and include cases where the Trustee has some beneficial estate or interest in the subject of the trust, and shall extend to and include the duties incident to the office of Executor or Administrator of a deceased person:

"Lunatic" shall mean any person who shall have been found by due course of law to be of unsound mind and incapable of managing his affairs:

"Person of unsound mind" shall mean any person not a minor who, not having been found to be a lunatic, shall be incapable from infirmity of mind to manage his own affairs:

In the case of a will made or an intestacy occurring before the first day of January 1866, "heir"

shall mean the person claiming an interest in the immoveable property of a deceased person under the laws concerning descent applicable to such property; and "devisee" shall, in addition to its ordinary signification, mean the heir of a devisee and the devisee of an heir, and generally any person claiming an interest in the immoveable property of a deceased person, not as heir of such deceased person, but by a title dependent solely upon the operation of the laws concerning devise and descent:

In the case of a will made or an intestacy occurring on or after the first day of January 1866, "heir" shall mean any person claiming an interest in the immoveable property of a deceased person under the rules for the distribution of an intestate's estate; and "devisee" shall mean any person taking immoveable property under a bequest, and any person, other than an executor or administrator, claiming an interest in immoveable property, not as entitled thereto under the said rules, but by a title dependent solely upon the operation of the laws concerning intestate and testamentary succession:

"Mortgage" shall be applicable to every estate or interest in immoveable or moveable property which would in the High Court be deemed merely a security for money:

"Person" shall include any Company or association, or body of persons whether incorporated or not:

Words importing the singular number only shall extend to several persons or things; words importing the plural number shall apply to one person or thing; words importing the masculine gender shall extend to a female.

3. The powers and authorities given by this Act to the High Courts shall and may be exercised only in cases to which English law is applicable, and may be exer-

cised with respect to property within the local limits of the extraordinary original civil jurisdiction of the said Courts respectively.

4. When any lunatic or persons of unsound mind shall hold any immoveable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order that such property be vested in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the Trustee or Mortgagee had been sane, and had duly executed a conveyance of the property in the same manner for the same estate.

5. When any lunatic or person of unsound mind shall be entitled to any contingent right in any immoveable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said High Court shall direct; and the order shall have the same effect as if the Trustee or Mortgagee had been sane and had duly executed a deed so releasing or disposing of the contingent right.

6. When any lunatic or person of unsound mind shall be solely entitled to any stock or Government securities, or to any thing in action upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order vesting in any person or persons the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof: and when any person or persons shall be entitled jointly with any lunatic or person of unsound mind to any stock or Government securities or thing in action upon any trust or by way of mortgage, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to use for and recover such thing in action or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last-mentioned person or persons together with any other person or persons the said High Court may appoint.

7. When any stock or Government securities shall be standing in the name of any deceased person whose executor or administrator is a lunatic or person of unsound mind, or when any thing in action shall be vested in any lunatic or person of unsound mind as the executor or administrator of a deceased person, it shall be lawful for the High Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action or any interest in respect thereof, in any person or persons the said Court may appoint.

8. Where any minor shall hold any immoveable property upon any trust or by way of mortgage, it shall be lawful

for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct: and the order shall have the same effect as if the minor Trustee or Mortgagee had attained his majority, and had duly executed a conveyance of the property in the same manner for the same estate.

9. Where any minor shall be entitled to any contingent right in any immovable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said Court shall direct; and the order shall have the same effect as if the minor had attained his majority, and had duly executed a deed so releasing or disposing of the contingent right.

10. When any person solely holding any immovable property upon any trust shall be out of the jurisdiction of the High Court, or cannot be found, it shall be lawful for the said Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct, and the order shall have the same effect as if the Trustee had duly executed a conveyance of the property in the same manner and for the same estate.

11. When any person or persons shall hold any immovable property in trust jointly with a person not within the jurisdiction of the High Court, or who cannot be found, it shall be lawful for the said Court to make an order vesting the property in the person or persons so jointly holding or in such last-mentioned person or persons, together with any other persons or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the Trustee out of the jurisdiction, or who cannot be found, had duly executed a conveyance of the property in the same manner for the same estate.

12. When any person solely entitled to a contingent right in any immovable property upon any trust shall be out of the jurisdiction of the High Court, or cannot be found, it shall be lawful for the said Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said Court shall direct; and the order shall have the same effect as if the Trustee had duly executed a conveyance so releasing or disposing of the contingent right.

13. When any person jointly entitled with any other person or persons to a contingent right in any immovable property upon any trust shall be out of the jurisdiction of the High Court, or cannot be found, it shall be lawful for the said Court to make an order disposing of the contingent right of the person out of the jurisdiction or who cannot be found, to the person or persons so jointly entitled as aforesaid or to such last-mentioned person or persons, together with

any other person or persons; and the order shall have the same effect as if the Trustee out of the jurisdiction, or who cannot be found, had duly executed a conveyance so releasing or disposing of the contingent right.

14. Where there shall have been two or more persons jointly holding any immovable property upon any trust, and it shall be uncertain which of such Trustees was the survivor, it shall be lawful for the High Court to make an order vesting to such property in such person or persons, in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the survivor of such Trustees had duly executed a conveyance of the property in the same manner for the same estate.

15. Where any one or more person or persons shall have held any immovable property upon any trust, and it shall not be known, as to the Trustee last known to have held such property, whether he be living or dead, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the last Trustee had duly executed a conveyance of the property in the same manner for the same estate.

16. When any person holding any immovable property upon any trust shall have died intestate as to such property without an heir, or shall have died, and it shall not be known who is his heir or devisee, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the heir or devisee of such Trustee had duly executed a conveyance of the property in the same manner for the same estate.

17. When any immovable property is subject to a contingent right in an unborn person, or class of unborn persons who, upon coming into existence, would in respect thereof hold such property upon any trust, it shall be lawful for the High Court to make an order which shall wholly release and discharge such property from such contingent right in such unborn person, or class of unborn persons, or to make an order which shall vest in any person or persons the estate or estates which such unborn person or class of unborn persons would, upon coming into existence, hold in such property.

18. In every case where any person holds or shall hold jointly or solely any immovable property, or is or shall be entitled to a contingent right therein upon any trust, and a demand shall have been made upon such Trustee by a person entitled to require a conveyance of such property, or a duly authorized agent of such last-mentioned person, requiring such Trustee to convey the same, or to release such contingent right, it shall be lawful for the High Court, if the said Court shall be satisfied that such Trustee has wilfully refused or neglected to convey the said

property for the space of twenty-eight days after such demand, to make an order vesting such property in such person or persons, in such manner and for such estate as the Court shall direct, or releasing such contingent right in such manner as the Court shall direct; and the said order shall have the same effect as if the Trustee had duly executed a conveyance of the property, or a release of such right, in the same manner and for the same estate.

19. When any person to whom any immovable property has been conveyed by way of mortgage, shall have died without having entered into the possession or into the receipt of the rents and profits thereof, and the money due in respect of such mortgage shall have been paid to a person entitled to receive the same, or such last-mentioned person shall consent to an order for the re-conveyance or vesting of such property, then in any of the following cases, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct, that is to say,—

When an heir or devisee of such Mortgagee shall be out of the jurisdiction of the High Court, or cannot be found :

When an heir or devisee of such Mortgagee shall, upon a demand by a person entitled to require a conveyance of such property, or a duly authorized agent of such last-mentioned person, have stated in writing that he will not convey the same, or shall not convey the same for the space of twenty-eight days next after a proper deed for conveying such property shall have been tendered to him by a person entitled as aforesaid, or a duly authorized agent of such last-mentioned person :

When it shall be uncertain which of several devisees of such Mortgagee was the survivor :

When it shall be uncertain as to the survivor or several devisees of such Mortgagee, or as to the heir of such Mortgagee whether he be living or dead.

When such Mortgagee shall have died intestate as to such property and without an heir, or shall have died, and it shall not be known who is his heir or devisee :

And the order of the said High Court made in any one of the foregoing cases shall have the same effect as if the heir or devisee, or surviving devisee, as the case may be, had duly executed a conveyance of the property in the same manner and for the same estate.

20. In every case where the High Court shall, under the provisions of this Act, be enabled to make an order having the effect of a conveyance of any immovable property, or having the effect of a release or disposition of the contingent right of any person or persons, born or unborn, it shall also be lawful for the High Court, should it be deemed more convenient, to make an order appointing a person to convey such property or release or dispose of such contingent right; and the conveyance, or release or disposition of the person so appointed, shall, when in conformity with the terms of the order by which he is appointed, have the same effect, in conveying the property, or releasing or disposing of the contingent right, as an order of the High Court would in the particular case have had under the provisions of this Act. In

Power, to appoint a person to convey in certain cases.

every case where the High Court shall, under the provisions of this Act, be enabled to make an order vesting in any person or persons the right to transfer any stock transferable in the books of any company or society established or to be established, it shall also be lawful for the High Court, if it be deemed more convenient, to make an order directing the Secretary or any officer of such company or society at once to transfer or join in transferring the stock to the person or persons to be named in the order; and this Act shall be a full and complete indemnity and discharge to all companies or societies and their officers and servants for all acts done or permitted to be done pursuant thereto.

21. When any person or persons shall be jointly entitled with any person out of the jurisdiction of the High Court, or who cannot be found, or concerning

whom it shall be uncertain whether he be living or dead, to any stock or Government securities or thing in action upon any trust, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last-mentioned person or persons, together with any person or persons the said Court may appoint. When any sole Trustee of any stock, Government securities, or thing in action shall be out of the jurisdiction of the said Court, or cannot be found, or it shall be uncertain whether he be living or dead, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof, in any person or persons the said Court may appoint.

22. Where any sole Trustee of any stock, Government securities, or thing in action, shall neglect or refuse to transfer such

stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action, or any interest in respect thereof, according to the direction of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by the person absolutely entitled thereto, it shall be lawful for the High Court to make an order vesting the sole right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof, in such person or persons as the said Court may appoint.

23. Where any one of the Trustees of any stock, Government securities, or thing in action, shall neglect or refuse to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action according to the directions of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by such person, it shall be lawful for the High Court to make an order vesting the right

When one of several Trustees of stock, &c., refuses to transfer or receive and pay over dividends.

to transfer such stock or Government securities, or to receive the dividends, interest or income thereof or to sue for and recover such thing in action, in the other Trustee or Trustees of the said stock, Government securities or thing in action, or in any person or persons whom the said Court may appoint jointly with such other Trustee or Trustees.

24. When any stock or Government securities shall be standing in the sole name of a deceased person, and his executor or administrator shall be cut of the jurisdiction of the High Court, or cannot be found, or it shall be uncertain whether such executor or administrator be living or dead, or such executor or administrator shall neglect or refuse to transfer such stock or Government securities, or receive the dividends, interest or income thereof, according to the direction of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by the person entitled as aforesaid, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof in any person or persons whom the said Court may appoint.

25. Where any order shall have been made under this Act vesting the right to any stock or Government securities in any person or persons appointed by the High Court, such legal right shall vest accordingly, and thereupon the person or persons so appointed are hereby authorized and empowered to execute all deeds and powers of attorney, and to perform all acts relating to the transfer of such stock and Government securities into his or their own name or names or otherwise, or relating to the receipt of the dividends, interest or income thereof, to the extent and in conformity with the terms of such order. All companies and associations whatever, and all persons, shall be equally bound and compellable to comply with the requisitions of such person or persons so appointed as aforesaid to the extent and in conformity with the terms of such order as such companies, associations, or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made, and shall be equally indemnified in complying with the requisition of such person or persons so appointed as they would have been indemnified in complying with the requisition of the person in whose place such appointment shall have been made. After notice in writing of any such order of the High Court concerning any stock or Government securities shall have been given, it shall not be lawful for any company or association, or any person having received such notice, to act upon the requisition of the person in whose place an appointment shall have been made, in any matter relating to the transfer of such stock or Government securities, or the payment of the dividends, interest or income thereof.

26. Where any order shall have been made under this Act by the High Court vesting the legal right to sue for or recover anything in action, or any interest in respect thereof in any person or persons such legal right shall vest

accordingly; and thereupon it shall be lawful for the person or persons so appointed to carry on commence and prosecute, in his or their own name of names, any suit or other proceeding for the recovery of such thing in action, in the same manner in all respects as the person in whose place an appointment shall have been made could have sued for or recovered such thing in action.

27. Where any person shall neglect or refuse to transfer any stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover any thing in action, or any interest in respect thereof, for the space of twenty-eight days next after an order of the High Court for that purpose shall have been served upon him, it shall be lawful for the said Court to make an order vesting all the right of such person to transfer such stock or Government securities, or to receive the dividends, interest, or income thereof, or to sue and recover such thing in action, or any interest in respect thereof, in such person or persons as the said Court may appoint.

28. When any stock or Government securities shall be standing in the sole name of a deceased person, and his executor or administrator shall refuse or neglect to transfer such stock or Government securities, or receive the dividends, interest or income thereof for the space of twenty-eight days next after an order of the High Court for that purpose shall have been served upon him, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, in any person or persons whom the said Court may appoint.

29. When any order being or purporting to be under this Act, shall be made by the High Court, vesting the right to any stock or Government securities, or vesting the right to transfer any stock or Government securities, or vesting the right to call for the transfer of any stock or Government securities in any person or persons, in every such case the legal right to transfer such stock or Government securities shall vest accordingly; and the person or persons so appointed shall be authorized and empowered to execute all deeds and powers of attorney, and to perform all acts relating to the transfer of such stock or Government securities into his or their own name or names or otherwise, to the extent and in conformity with the terms of the order. All companies and associations, and all persons, shall be equally bound and compellable to comply with the requisitions of such person or persons so appointed as aforesaid, to the extent and in conformity with the terms of such order, as such companies, associations or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made.

30. When any minor shall be solely entitled to any stock or Government securities upon any trust, it shall be lawful for the High Court to make an order vesting in any person or persons

On neglect to transfer stock, &c., for 28 days, order may be made vesting right to transfer in such person as the Court shall appoint.

On like neglect by executor similar order may be made.

Companies and associations to comply with such orders.

Power to make an order for the transfer or receipt of dividends of stock, &c., in name of a minor Trustee.

Effect of an order vesting the legal right to transfer stock, &c.

Effect of an order vesting legal right in a thing in action.

the right to transfer such stock or Government securities or to receive the dividends, interest or income thereof. When any minor shall be entitled jointly with any other person or persons to any stock or Government securities upon any trust, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities or to receive the dividends, interest or income thereof, either in the person or persons jointly entitled with the minor, or in him or them together with any other person or persons the said Court may appoint.

31. When a decree or order shall have been made by the High Court directing the sale of any immoveable property for the payment of the debts of a deceased person, every person holding such property, or entitled to a contingent right therein, as heir, or under the will of such deceased debtor, shall be deemed so to hold or be entitled (as the case may be) upon a trust within the meaning of this Act: and the High Court is hereby empowered to make an order wholly discharging the contingent right under the will of such deceased debtor of any unborn person.

32. When any decree or order shall have been made by the High Court, whether before or after the passing of this Act, directing the sale of any immoveable property for any purpose whatever, every person holding such property, or entitled to a contingent right therein, being a party to the suit or proceeding in which such decree or order shall have been made and bound thereby, or being otherwise bound by such decree or order, shall be deemed so to hold or be entitled (as the case may be) upon a trust within the meaning of this Act. In every such case it shall be lawful for the High Court, if the said Court shall think it expedient for the purpose of carrying such sale into effect, to make an order vesting such property or any part thereof, for such estate as the Court shall think fit, either in any purchaser or in such other person as the Court shall direct. Every such order shall have the same effect as if the person so holding or entitled had been free from all disability, and had duly executed all proper conveyances and assignments of such property for such estate.

33. Where any decree or order shall be made by the High Court for the specific performance of a contract concerning any immoveable property, or for the partition or exchange of any immoveable property, or generally when any decree shall be made for the conveyance of any immoveable property, either in cases arising out of the doctrine of election or otherwise, it shall be lawful for the said Court to declare that any of the parties to the said suit wherein such decree is made are trustees of such property or any part thereof, within the meaning of this Act, or to declare concerning the interests of unborn persons who might claim under any party to the said suit, or under the will or voluntary settlement of any person deceased who was during his life-time a party to the contract or transactions concerning which such decree is made that such interests of unborn persons are the interests of persons who, upon

coming into existence, would be trustees within the meaning of this Act. Thereupon it shall be lawful for the High Court to make such order or orders as to the estates, rights, and interests of such persons born or unborn, as the said Court might, under the provisions of this Act, make concerning the estates, rights, and interests of trustees born or unborn.

34. It shall be lawful for the High Court to make declarations and give directions concerning the manner in which the right to any stock, Government securities or thing in action vested under the provisions of this Act shall be exercised, and thereupon the person or persons in whom such right shall be vested shall be compellable to obey such directions and declarations by the same process as that by which other orders under this Act are enforced.

35. In all cases in which it shall be expedient to appoint a new Trustee or new Trustees, and it shall be found inexpedient, difficult or impracticable so to do without the assistance of the High Court, it shall be lawful for the said Court to make an order appointing a new Trustee or new Trustees, whether there be any existing Trustee or Trustees or not at the time of making such order, and if there be such Trustee or Trustees either in substitution for or in addition to him or them. The person or persons who, upon the making of such order shall be Trustee or Trustees, shall have the same rights and powers as he or they would have had if appointed by decree in a suit duly instituted.

36. It shall be lawful for the High Court, upon making any order for appointing a new Trustee or new Trustees, either by the same or by any subsequent order, to direct that any immoveable property subject to the trust shall vest in the person or persons who upon the appointment shall be the Trustee or Trustees for such estate as the Court shall direct. Such order shall have the same effect as if the person or persons who, before such order, was or were the Trustee or Trustees (if any) had duly executed all proper conveyances of such property for such estate.

37. It shall be lawful for the High Court, upon making any order for appointing a new Trustee or new Trustees, either by the same or by any subsequent order, to vest the right to call for a transfer of any stock or Government securities subject to the trust, or to receive the dividends, interest or income thereof, or to sue for or recover any thing in action, subject to the trust or any interest in respect thereof, in the person or persons who upon the appointment shall be the Trustee or Trustees.

38. Any such appointment by the High Court of new Trustees, and any such conveyance or transfer as aforesaid, shall operate no further or otherwise as a discharge to any former or continuing Trustee, than an appointment of new Trustees under any power for that

Power to make directions how the right to transfer stock shall be exercised.

Power to Court to make order appointing new Trustees.

New Trustees to have powers of Trustees appointed by decree in suit.

Power to Court to vest immoveable property in new Trustee

Power to Court to vest right to sue in new Trustees.

Old Trustees not to be discharged from liability.

When a decree is made for sale of immoveable property for payment of debts.

High Court may make an order for vesting the estate in lieu of conveyance by a party to the suit after a decree or order for sale.

Court to declare what parties are Trustees of immoveable property comprised in any suit, and as to the interests of persons unborn.

purpose contained in any instrument would have done.

39. An order under any of the hereinbefore contained provisions, for the appointment of a new Trustee or new Trustees, or concerning any immoveable property, stock, or Government securities, or thing in action subject to a trust, may be made upon the application of any person beneficially interested in such immoveable property, stock, Government securities, or thing in action, whether under disability or not, or upon the application of any person duly appointed as a Trustee thereof; and an order under any of the provisions hereinbefore contained concerning any immoveable property, stock, Government securities, or thing in action subject to a mortgage, may be made on the application of any person beneficially interested in the equity of redemption, whether under disability or not, or of any person interested in the monies secured by such mortgage.

40. When any person shall deem himself entitled to an order under any of the provisions hereinbefore contained, it shall be lawful for him to present a petition to the High Court for such order as he may deem himself entitled to, and he may give evidence by affidavit or otherwise in support of such petition before the said Court, and may serve such person or persons with notice of such petition as he may deem entitled to service thereof.

Application may be by petition.

41. Upon the hearing of any such petition it shall be lawful for the said High Court, should it be deemed necessary, to direct a reference to one of the Judge of the Court to inquire into any facts which require such an investigation, or it shall be lawful for the said Court to direct such petition to stand over, to enable the petitioner to adduce evidence or further evidence before the Court, or to enable notice or any further notice of such petition to be served upon any person or persons.

What may be done upon petition.

42. Upon the hearing of any such petition, it shall be lawful for the High Court to dismiss such petition with or without costs, or to make an order thereupon in conformity with the provisions of the Act.

Court may dismiss petition with or without costs.

43. Whensoever in any cause or matter, either by the evidence adduced therein, or by the admissions of the parties, or by report of one of the Judges of the Court, the facts necessary for an order under this Act shall appear to the High Court to be sufficiently proved, it shall be lawful for the said Court, either upon the hearing of the said cause or of any petition or application in the said cause or matter, to make such order under this Act.

Power to make an order in a cause.

44. Whenever any order shall be made under this Act by the High Court, for the purpose of conveying any immoveable property, or for the purpose of releasing or disposing of any contingent right, and such order shall be founded on an allegation of the personal incapacity of a Trustee or Mortgagee or on an allegation that a Trustee or the heir or devisee of a Mortgagee is out of the jurisdiction of the High Court or cannot be found, or that it

Orders made by the High Court founded on certain allegations to be conclusive evidence of the matter contained in such allegations.

is uncertain which of several Trustees, or which of several devisees of a Mortgagee, was the survivor, or whether the last Trustee, or the heir, or last surviving devisee of a Mortgagee, be living or dead, or on an allegation that any Trustee or Mortgagee has died intestate without an heir or has died, and it is not known who is his heir or devisee, then in any of such cases the fact that the High Court has made an order upon such an allegation, shall be conclusive evidence of the matter so alleged in any Court of Civil Judicature upon any question as to the legal validity of the order: Provided always that nothing herein contained shall prevent the High Court directing a re-conveyance of any immoveable property conveyed or assigned by any order under this Act, or a re-disposition of any contingent right conveyed or disposed of by such order; and it shall be lawful for the said Court to direct any of the parties to any suit concerning such property or contingent right, to pay any costs occasioned by the order under this Act, when the same shall appear to have been improperly obtained.

45. It shall be lawful for the High Court to exercise the powers herein conferred for the purpose of vesting any immoveable property, stock, Government securities, or thing in action in the Trustee or Trustees of any charity or society over which charity or society the High Court would have jurisdiction upon suit duly instituted, whether such Trustee or Trustees shall have been duly appointed by any power contained in any deed or instrument, or by the decree of the said Court, or by order made upon a petition to the said Court.

Trustees of charity.

46. Where any minor or person of unsound mind shall be entitled to any money payable in discharge of any immoveable property, stock, Government securities, or thing in action conveyed or transferred under this Act, it shall be lawful for the person by whom such money is payable to pay the same into the High Court in-trust in any cause then depending concerning such money, or if there shall be no such cause, to the credit of such minor or person of unsound mind, subject to the order or disposition of the said Court; and it shall be lawful for the said Court, upon petition in a summary way, to order any money so paid to be invested in Government securities, and to order payment or distribution thereof, or payment of the dividends or interest thereof, as to the said Court shall seem reasonable.

Money of minors and persons of unsound mind to be paid into Court.

47. Where in any suit commenced or to be commenced in the High Court it shall be made to appear to the Court that diligent search and enquiry have been made after any person made a defendant, who is only a Trustee, to serve him with the process of the Court, and that he cannot be found, it shall be lawful for the said Court to hear and determine such cause, and to make such absolute decree therein against every person who shall appear to it to be only a Trustee, and not otherwise concerned in interest in the matter in question, in such and the same manner as if such Trustee had been duly served with the process of the Court, and had appeared at the hearing of such cause: Provided always,

Court may make a decree in the absence of a Trustee.

that not such decree shall bind, affect, or in any wise prejudice any person against whom the same shall be made, without service of process upon him as aforesaid, his heirs, executors, or administrators for or in respect of any estate, right or interest which such person shall have at the time of making such decree for his own use or benefit or otherwise than as a Trustee as aforesaid.

48. Every order to be made under this Act, which shall have the effect of a conveyance of any immovable property, or a transfer of any such stock, Government securities, or thing in action as can only be transferred by stamped deed, or for the transfer of which a stamp is necessary, shall be chargeable with the like amount of stamp duty as it would have been chargeable with if it had been a deed executed or a transfer made by the person or persons holding such property or entitled to such stock, Government securities, or thing in action. Every such order shall be duly stamped for denoting the payment of the said duty.

49. The High Court may order the costs and expenses of and relating to the petitions, orders, directions, conveyances and transfer to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the immovable or moveable property, or the rents or produce thereof, in respect of which the same respectively shall be made, or in such manner as as the said Court shall think proper.

50. Upon any petition being presented under this Act to the High Court concerning a person of unsound mind, it shall be lawful for the said Court to make an order directing an enquiry whether such person is or is not of unsound mind, and incapable of managing himself and his affairs. Such order shall have the same effect as the like order made under Section I of Act XXXIV of 1858 (*to regulate proceedings in Lunacy in the Courts of Judicature established by Royal Charter*), and the enquiry directed to be made shall be made in all respects in the manner declared and prescribed for making an enquiry under the last-mentioned Act. The High Court may postpone making any order upon the petition presented as aforesaid, until any enquiry so directed to be made shall have been finally concluded.

51. Upon any petition under this Act being presented to the High Court, it shall be lawful for the said Court to postpone making any order upon such petition, until the right of the petitioner shall have been declared in a suit duly instituted for that purpose.

52. Every order made or purporting to be made under this Act by the High Court shall be a complete indemnity to all persons whatsoever for any act done pursuant thereto; and it shall not be necessary for such persons to enquire concerning the propriety of such order, or whether the High Court has jurisdiction to make the same.

53. Any order made by the High Court under this Act shall have the same effect and be executed in the same manner as a decree.

Short Title.
54. This Act may be cited as "The Indian Trustee Act, 1866."

55. On and after the first day of February 1867 (but not till then), the powers and authorities given by this Act to the High Courts, shall and may be exercised by the Court, of Judicature of the Settlement of Prince of Wales' Island, Singapore, and Malacca, with respect to moveable and immovable property within the local limits of the jurisdiction of that Court; and, in the said Settlement, Section 2 of this Act shall be read as if the words and figures "first day of February 1867," were substituted for the words and figures "first day of January 1866."

WHITLEY STOKES.

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information:—

ACT No. XXVIII of 1866.

To give to Trustees, Mortgagees and others, in cases to which English Law is applicable, certain powers now commonly inserted in Settlements, Mortgages, and Wills, and to amend the Law of property and relieve Trustees.

WHEREAS it is expedient that in cases to which English law is applicable certain powers and provisions usually inserted in Settlements, Mortgages, Wills, and other Instruments, should be made incident to the estates of the persons interested, so as to dispense with the necessity of inserting the same in terms in every such Instrument, and that in such cases Trustees should be relieved; It is enacted as follows:—

1. In the construction of this Act, unless there be something repugnant in the subject or context, "Immovable property" shall include land, any benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth:

"Mortgage" shall be taken to include every instrument by virtue whereof immovable property is in any manner conveyed, pledged, or charged as security for the repayment of money or money's worth lent, and to be re-conveyed, or released on satisfaction of the debt:

"Mortgagor" shall be taken to include every person by whom any such conveyance, pledge, or charge as aforesaid shall be made:

"Mortgagee" shall be taken to include every person to whom or in whose favor any such conveyance, pledge, or charge as aforesaid is made or transferred: and

"High Court" means any Court established or to be established under Statute 24 and 25 Vic., Cap. 104, and includes the Chief Court of the Punjab

and the Court of the Judicature of the Settlement of Prince of Wales' Island, Singapore and Malacca.

Powers of Trustees for sale, &c., and Trustees of renewable leaseholds.

2. In all cases whereby any will, deed or other instrument of settlement it is expressly declared that trustees or other persons therein named or indicated shall have a power of sale, either generally or in any particular event, over any immoveable property named or referred to in, or from time to time subject to, the uses or trusts of such will, deed or other instrument, it shall be lawful for such trustees or other persons, whether such property be vested in them or not, to exercise such power of sale by selling such property either together or in lots, and either by public auction or private contract, and either at one time or at several times.

3. It shall be lawful for the persons making any such sale to insert any such special or other stipulations, either as to title or evidence of title, or otherwise, in any conditions of sale, or contract for sale, as they shall think fit; and also to buy in the property or any part thereof at any sale by auction, and to rescind or vary any contract for sale, and to re-sell the property which shall be so bought in, or as to which the contract shall be so rescinded, without being responsible for any loss which may be occasioned thereby; and no purchaser under any such sale shall be bound to enquire whether the persons making the same may or may not have in contemplation any particular re-investment of the purchase-money in the purchase of any other property or otherwise.

4. For the purpose of completing any such sale as aforesaid, the persons empowered to sell as aforesaid shall have full power to convey or otherwise dispose of the property in question, in such manner as may be necessary.

5. The money so received upon any sale as aforesaid shall be laid out in the manner indicated in that behalf in the will, deed or instrument containing the power of sale; and until the money to be received upon any sale as aforesaid shall be so disposed of, the same shall be invested at interest in Government securities for the benefit of such persons as would be entitled to the benefit of the money and the interest and profits thereof, in case such money were then actually laid out as aforesaid: Provided that if the will, deed or instrument shall contain no such indication, the persons empowered to sell as aforesaid shall invest the money so received upon any such sale in their names upon Government securities in India, and the interest of such securities shall be paid and applied to such person or persons for such purposes and in such manner as the rents and profits of the property sold as aforesaid would have been payable or applicable in case such sale had not been made.

Powers of Mortgagees.

6. Where any principal money is secured or charged by deed on any immoveable property, or on any interest therein, the person to whom such money shall for the time being be payable, his executors, administrators and assigns, shall, at any time after the expiration of one year from the time when such principal money shall have been in arrear for six months, or after any omission to pay premium on any insurance which by the terms of the deed ought to be paid by the person entitled to the property subject to the charge, have the following powers to the same extent (but no more) as if they had been in terms conferred by the person creating the charge, namely,—

1st.—A power to sell or concur with any other person in selling the whole or any part of the property by public auction or private contract, subject to any reasonable conditions he may think fit to make, and to rescind or vary contracts for sale, or buy in and re-sell the property, from time to time, in like manner:

2nd.—A power to appoint or obtain the appointment of a receiver of the rents and profits of the whole or any part of the property in manner hereinafter mentioned.

7. Receipts for purchase money given by the person or persons exercising the power of sale hereby conferred, shall be sufficient discharges to the purchasers, who shall not be bound to see to the application of such purchase money.

8. No such sale as last aforesaid shall be made until after six months' notice in writing given to the person or one of the persons entitled to the property subject to the charge, or affixed on some conspicuous part of such property; but when a sale has been effected in professed exercise of the powers hereby conferred, the title of the purchaser shall not be liable to be impeached on the ground that no case had arisen to authorize the exercise of such power, or that no such notice as aforesaid had been given; but any person damaged by any such unauthorized exercise of such power, shall have his remedy in damages against the person or persons selling.

9. The money arising by any sale effected as aforesaid shall be applied by the person receiving the same as follows:—*first*, in payment of all the expenses incident to the sale or incurred in any attempted sale; *secondly*, in discharge of all interest and costs then due in respect of the charge in consequence whereof the sale was made; and *thirdly*, in discharge of all the principal monies then due in respect of such charge; and the residue of such money shall be paid to the person entitled to the property subject to the charge, his executors, administrators or assigns, as the case may be.

10. The person exercising the power of sale hereby conferred shall have power by deed to convey or assign to and vest in the purchaser the property sold, for all the estate and interest therein which the person who created the charge had power to dispose of: Provided that nothing herein contained shall be construed to

authorize the mortgage of a term of years to sell and convey the fee simple of the property comprised therein in cases where the mortgagor could have disposed of such fee simple at the date of the mortgage.

11. At any time after the power of sale hereby conferred shall have become exercisable, the person entitled to exercise the same shall be entitled to demand and recover from the person entitled to the property subject to the charge, all the deeds and documents in his possession or power relating to the same property, or to the title thereto, which he would have been entitled to demand and recover if the same property had been conveyed, appointed or surrendered to and were then vested in him for all the estate and interest which the person creating the charge had power to dispose of; and where the legal estate shall be outstanding in a trustee, the person entitled to a charge created by a person equitably entitled, or any purchaser from such person, shall be entitled to call for a conveyance of the legal estate to the same extent as the person creating the charge could have called for such a conveyance if the charge had not been made.

12. Any person entitled to appoint or obtain the appointment of a receiver as aforesaid, may from time to time, if any person or persons has or have been named in the deed of charge for that purpose, appoint such person or any one of such persons to be receiver, or if no person be so named, then may by writing delivered to the person or any one of the persons entitled to the property subject to the charge, or affixed on some conspicuous part of the property, require such last-mentioned person or persons to appoint a fit and proper person as receiver, and if no such appointment be made within ten days after such requisition, then may in writing appoint any person he may think fit. No person shall be ineligible for the office of receiver merely because he is an officer of the High Court.

13. Every receiver appointed as aforesaid shall be deemed to be the agent of the person entitled to the property subject to the charge, who shall be solely responsible for his acts or defaults, unless otherwise provided for in the charge.

14. Every receiver appointed as aforesaid shall have power to demand and recover and give effectual receipts for all the rents, issues and profits of the property of which he is appointed receiver by suit, distress, or otherwise, in the name either of the person entitled to the property subject to the charge, or of the person entitled to the money secured by the charge, to the full extent of the estate or interest which the person who created the charge had power to dispose of.

15. Every receiver appointed as aforesaid may be removed by the like authority, or on the like requisition as before provided with respect to the original appointment of a re-

ceiver, and new receivers may be appointed from time to time.

16. Every receiver appointed as aforesaid shall be entitled to retain out of any money received by him, in lieu of all costs, charges, and expenses whatsoever, such a commission, not exceeding five per centum on the gross amount of all money received, as shall be specified in his appointment, and if no amount shall be so specified, then five per centum on such gross amount.

17. Every receiver appointed as aforesaid shall, if so directed in writing by the person entitled to the money secured by the charge, insure and keep insured from loss or damage by fire, out of the money received by him, the whole or any part of the property included in the charge which is in its nature insurable.

18. Every receiver appointed as aforesaid shall pay and apply all the money received by him in the first place in discharge of Government revenue and of all taxes, rates, and assessments whatever, and in payment of his commission as aforesaid, and of the premiums on the insurances, if any; and in the next place in payment of all the interest accruing due in respect of any principal money then charged on the property over which he is receiver, or on any part thereof; and, subject as aforesaid, shall pay all the residue of such money to the person for the time being entitled to the property subject to the charge, his executors, administrators or assigns.

19. The powers and provisions contained in Sections 6 to 18 of this Act, both inclusive, relate only to mortgages or charges made to secure money advanced or to be advanced by way of loan, or to secure an existing or future debt.

Leases.

20. Where any license to do any act which without such license would create a forfeiture, or give a right to re-enter, under a condition or power reserved in any lease heretofore granted or to be hereafter granted, shall, at any time after this Act comes into operation, be given to any lessee or his assigns every such license shall, unless otherwise expressed, extend only to permission actually given, or to any specific breach of any proviso or covenant made or to be made, or to the actual assignment, under-lease or other matter thereby specifically authorized to be done, but not so as to prevent any proceeding for any subsequent breach (unless otherwise specified in such license); and all rights under covenants and powers of forfeiture and re-entry in the lease contained shall remain in full force and shall be liable as against any subsequent breach of covenant or condition, assignment, under-lease, or other matter not specifically authorized or made dispensable by such license, in the same manner as if no such license had been given; and the condi-

tion or right of re-entry shall be and remain in all respects as if such license had not been given, except in respect of the particular matter authorized to be done.

21. Where in any lease heretofore granted or to be hereafter granted, there is or shall be a power or condition of re-entry on assigning or under-letting, or doing any other specified act without license, and a license at any time after the passing of this Act shall be given to one of several lessees or co-owners to assign or under-let his share or interest; or to do any other act prohibited to be done without license, or shall be given to any lessee or owner, or any one of several lessees or owners, to assign or under-let part only of the property, or to do any other such act as aforesaid in respect of part only of such property, such license shall not operate to destroy or extinguish the right of re-entry in case of any breach of the covenant or condition by the co-lessee or co-lessees, or owner or owners, of the other shares or interests in the property, or by the lessee or owner of the rest of the property (as the case may be) over or in respect of such shares or interests or remaining property, but such right of re-entry shall remain in full force over or in respect of the shares or interests or property not the subject of such license.

22. Where the reversion upon a lease is severed, and the rent or other reservation is legally apportioned, the assignee of each part of the reversion shall, in respect of the apportioned rent or other reservation allotted or belonging to him, have and be entitled to the benefit of all conditions or powers of re-entry for non-payment of the original rent or other reservation, in like manner as if such conditions or powers had been reserved to him as incident to his part of the reversion in respect of the apportioned rent or other reservation allotted or belonging to him.

Rent Charges.

23. The release from a rent-charge of part of the immoveable property charged therewith shall not extinguish the whole rent-charge, but shall operate only to bar the right to recover any part of the rent-charge out of the property released, without prejudice nevertheless to the rights of all persons interested in the property remaining unreleased, and not concurring in or confirming the release.

Powers.

24. A deed hereafter executed in the presence of and attested by two or more witness in the manner which deeds are ordinarily executed and attested, shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by deed or by any instrument in writing not testamentary, notwithstanding it shall have been expressly required that a deed or instrument in writing made in exercise of such power should be executed or at-

tested with some additional or other form of execution or attestation or solemnity: Provided always, that this provision shall not operate to defeat any direction in the instrument creating the power that the consent of any particular person shall be necessary to a valid execution, or that any act shall be performed in order to give validity to appointment, having no relation to the mode of executing and attesting the instrument: and nothing herein contained shall prevent the donee of a power from executing it conformably to the power by writing or otherwise than by an instrument executed and attested as an ordinary deed, and to any such execution of a power this provision shall not extend.

25. Whereby any will which shall come into operation after the passing of this Act, the testator shall have charged his immoveable property or any specific portion thereof with the payment of his debts, or with the payment of and legacy or other specific sum of money, and shall have bequeathed the property so charged to any trustee or trustees for the whole of his estate or interest therein, and shall not have made any express provision for the raising of such debt, legacy, or sum of money out of such property, it shall be lawful for the said legatee or legatees in trust, notwithstanding any trusts actually declared by the testator, to raise such debts, legacy, or money as aforesaid by sale and absolute disposition by public auction or private contract, of the said property or any part thereof, or by a mortgage of the same, or partly in one mode and partly in the other; and any deed or deeds of mortgage so executed may reserve such rate of interest and fix such period or periods of repayment as the person or persons executing the same shall think proper.

26. The powers conferred by the last preceding Section shall extend to all and every person or persons in whom the property bequeathed in trust shall for the time being be vested by survivorship, or under the laws relating to intestate or testamentary succession, or to any person or persons who may be appointed under any Power in the will, or by the High Court, to succeed to the trusteeship vested in such legatee or legatees in trust as aforesaid.

27. If any testator who shall have created such a charge as is described in Section 25 of this Act, shall not have bequeathed the property charged as aforesaid in such terms as that his whole estate and interest therein shall become vested in any trustee or trustees, the executor or executors (if any for the time being named in such will, shall have the same or the like power of raising the said monies as is hereinbefore vested in the legatee or legatees in trust of the said property, and such power shall from time to time devolve on and become vested in the person or persons (if any) in whom the executorship shall for the time being be vested.

28. Purchasers or mortgagees shall not be bound to enquire whether the powers conferred by Sections 25, 26 and 27 of this Act, or any of them, shall have been duly and correctly exercised by the person or persons acting in virtue thereof.

Inheritance.

29. In cases of intestacies occurring before the first day of January 1866, where there shall be a total failure of any immoveable property shall be descendible as if an ancestor had been the purchaser thereof, and there shall be a total failure of the heirs of such ancestor, then and in every such case the property shall descend, and the descent shall thenceforth be traced from the person last entitled to the property as if he had been the purchaser thereof. This Section shall be read as part of Act No. XXX of 1839 (for the amendment of the law of inheritance).

Assignment of Moveables and Terms for years.

30. Any person shall have power to assign moveable property now by law assignable, terms for years of immoveable property, and estates by *elegit*, directly to himself and another person or other persons or corporation, by the like means as he might assign the same to another.

Purchasers.

31. The *bona fide* payment to and the receipt of any person to whom any purchase or mortgage money shall be payable upon any express or implied trust, shall effectually discharge the person paying the same from seeing to the application, or being answerable for the misapplication thereof.

Investment of Trust Funds.

32. Trustees having trust money in their hands which it is their duty to invest at interest, shall be at liberty, at their discretion, to invest the same in any Government securities, and trustees shall also be at liberty, at their discretion, to call in any trust funds invested in any other securities than as aforesaid, and to invest the same on any such securities as aforesaid, and also from time to time, at their discretion, to vary any such investments as aforesaid for others of the same nature: Provided always, that no such original investment as aforesaid, and no such charge of investment as aforesaid, shall be made where there is a person under no disability entitled in possession to receive the income of the trust fund for his life, or for a term of years determinable with his life, or for any greater estate, without the consent in writing of such person.

Trustees and Executors.

33. In all cases where any property is held by trustees in trust for a minor, either absolutely or contingently on his at-

taining majority, or on the occurrence of any event previously to his attaining majority, it shall be lawful for such trustees, at their sole discretion, to pay to the guardians (if any) of such minor, or otherwise to apply for or towards the maintenance or education of such minor, the whole or any part of the income to which such minor may be entitled in respect of such property, whether there be any other fund applicable to the same purpose, or any other person bound by law to provide for such maintenance or education, or not; and such trustees shall accumulate all the residue of such income by way of compound interest, by investing the same and the resulting income thereof from time to time in proper securities, for the benefit of the person who shall ultimately become entitled to the property from which such accumulations shall have arisen. Provided always, that it shall be lawful for such trustees at any time, if it shall appear to them expedient, to apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

34. Whenever any trustee, either original or substituted, and whether appointed by any High Court or otherwise, shall

die, or be six months absent from British India, or desire to be discharged from or refuse, or become unfit or incapable to act in the trusts or powers in him reposed, before the same shall have been fully discharged and reformed, it shall be lawful for the person or persons nominated for that purpose by the deed, will, or other instrument creating the trust (if any, or if there be no such person, able and willing to act, then for the surviving or continuing trustees or trustee for the time being, or the acting executors or executor, or administrators or administrator of the last surviving and continuing trustee, or for the retiring trustees, if they shall all retire simultaneously, or for the last retiring trustee, or where there are two more classes of trustees of the instrument creating the trust, then for the surviving or continuing trustees or trustee of the class in which any such vacancy or disqualification shall occur (and for this purpose any refusing or retiring trustee shall, if willing to act in the execution of the power, be considered a continuing trustee) by writing, to appoint any other person or persons to be a trustee or trustees in the place of the trustee or trustees so dying or being absent from British India, or desiring to be discharged, or refusing or becoming unfit or incapable to act as aforesaid. So often as any new trustee or trustees shall be so appointed as aforesaid, all the trust property (if any which for the time being shall be vested in the surviving or continuing trustees or trustee, or in the heirs, executors, or administrators of any trustee, shall with all convenient speed be conveyed and transferred so that the same may be legally and effectually vested in such new trustee or trustees, either solely or jointly with the surviving or continuing trustees or trustee, as the case may require. Every new trustee to be appointed as aforesaid, as well before as after such conveyance or transfer as aforesaid, and also every trustee appointed by any High Court either before or after the passing of this Act, shall have the same powers, authorities, and discretions, and shall in all respects as if he had been originally nominate a trustee by the deed,

will, or other instrument (if any) creating the trust. The Official Trustee may, with his consent and by the order of the High Court, be appointed under this Section in any case in which only one trustee is to be appointed, and such trustee is to be the sole trustee.

35. The power of appointing new trustees hereinbefore contained may be exercised in cases where a trustee nominated in a will has died in the life-time of the testator.

36. The receipts in writing of any trustees or trustee for any money payable to them or him by reason, or in the exercise, of any trusts or powers reposed or vested in them or him, shall be sufficient discharges for the money therein expressed to be received, and shall effectually exonerate the persons paying such money from seeing to the application thereof, or from being answerable for any loss or misapplication thereof.

37. Every deed, will, or other instrument creating a trust either expressly or by implication, shall, without prejudice to the clauses actually contained therein, be deemed to contain a clause in the words or to the effect following, that is to say, "that the trustees or trustee for the time being of the said deed, will, or other instrument, shall be respectively chargeable only for such moneys, stocks, funds and securities as they shall respectively actually receive, notwithstanding their respectively signing any receipt for the sake of conformity, and shall be answerable and accountable only for their own acts, receipt, neglects, or defaults, and not for those of each other, nor for any banker, broker, or other person with whom any trust moneys or securities may be deposited, nor for the insufficiency or deficiency of any stocks, funds, or securities, nor for any other loss, unless the same shall happen through their own wilful default respectively; and also that it shall be lawful for the trustees or trustee for the time being of the said deed, will, or other instrument, to reimburse themselves or himself, or pay or discharge out of the trust premises all expenses incurred in or about the execution of the trusts or powers of the said deed, will, or other instrument."

38. It shall be lawful for any executors to pay any debts or claims upon any evidence that may think sufficient, and to accept any composition, or any security for any debts due to the deceased, and to allow any time for payment of any such debts as they shall think fit, and also to compromise, compound, or submit to arbitration all debts, accounts, claims, and things whatsoever relating to the estate of the deceased, and for any of the purposes aforesaid to enter into, give, and execute such agreements, instruments of composition, releases, and other things as they shall think expedient, without being responsible for any loss to be occasioned thereby.

39. No trustee, executor, or administrator making any payment or doing any act *bond fide* under, or in, pursuance of any power of attorney, shall be liable for the moneys so paid or the act so done, by reason that the person who gave the power of attorney was dead at the time of such payment or act, or had done some act to avoid the power: Provided that the fact of the death, or of the doing of such act as last aforesaid, at the time of such payment or act *bond fide* done as aforesaid, by such trustee, executor, or administrator, was not known to him. Provided always that nothing herein contained shall in any manner affect or prejudice the right of any person entitled to the money against the person to whom such payment shall have been made; but that such person so entitled shall have the same remedy against such person to whom such payment shall be made as he would have had against the trustee, executor or administrator, if the money had not been paid away under such power of attorney.

40. When an executor or administrator liable as such to the rents, covenants, or agreements contained in any lease or agreement for a lease granted or assigned, whether before or

after the passing of this Act, to the testator or intestator whose estate is being administered, shall have satisfied all such liabilities under the said lease, or agreement for a lease as may have accrued due and been claimed up to the time of the assignment hereinafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the lessee to be laid out on the property demised or agreed to be demised, although the period for laying out the same may not have arrived, and shall have assigned the lease or agreement for a lease to a purchaser thereof, he shall be at liberty to distribute the residuary estate of the deceased to and amongst the parties entitled thereto, respectively, without appropriating any part, or any further part (as the case may be) of the estate of the deceased to meet any future liability under the said lease or agreement for a lease. The executor or administrator so distributing the residuary estate shall not, after having assigned the said lease or agreement for a lease, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said lease or agreement for a lease. Nothing herein contained shall prejudice the right of the lessor or those claiming under him to follow the assets of the deceased into the hands of the person or persons to or amongst whom the said assets may have been distributed.

41. In like manner, where an executor or administrator liable as such to the rent, covenants, or agreements contained in any conveyance on chief rent or rent-charge (whether any such rent be by limitation of use, grant, or reservation,) or agreement for such conveyance, granted or assigned to or made and entered into with the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said convey-

ance or agreement for a conveyance, as may have accrued due and been claimed up to the time of the conveyance hereinafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the grantee to be laid out on the property conveyed, or agreed to be conveyed although the period for laying out the same may not have arrived, and shall have conveyed such property, or assigned the said agreement for such conveyance as aforesaid to a purchaser thereof, he shall be at liberty to distribute the residuary estate of the deceased to and amongst the parties entitled thereto, respectively, without appropriating any part or any further part (as the case may be) of such estate to meet any future liability under the said conveyance, or agreement for a conveyance. The executor or administrator so distributing the residuary estate shall not, after having made or executed such conveyance or assignment, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said conveyance, or agreement for conveyance. Nothing herein contained shall prejudice the right of the grantor, or those claiming under him, to follow the assets of the deceased into the hands of the person or persons to or among whom the said assets may have been distributed.

42. Where an executor or administrator shall have given such or the like notices, as in the opinion of the Court in which such executor or administrator is sought to be charged would have been given by the High Court in an administration suit, for creditors and others to send into the executor or administrator their claims against the estate of the testator or intestate, such executor or administrator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claims, be at liberty to distribute the assets of the testator or intestate, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which such executor or administrator has then notice, and shall not be liable for the assets or any part thereof so distributed to any person of whose claim such executor or administrator shall not have had notice at the time of distribution of the said assets or a part thereof, as the case may be. Nothing in the present Act contained shall prejudice the right of any creditor or claimant to follow the assets or any part thereof into the hands of the person or persons who may have received the same respectively.

43. Any trustee, executor, or administrator shall be at liberty, without the institution of a suit, to apply by petition to any Judge of the High Court for the opinion, advice or direction of such Judge on any question respecting the management of administration of the trust property or the assets of any testator or intestate. Such application shall be served upon or the hearing thereof shall be attended by all persons interested in such applica-

tion, or such of them as the said Judge shall think expedient. The trustee, executor or administrator acting upon the opinion, advice, or direction given by the said Judge shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, executor or administrator in the subject matter of the said application: Provided nevertheless, that this Act shall not extend to indemnify any trustee, executor, or administrator in respect of any act done in accordance with such opinion, advice or direction as aforesaid, if such trustee, executor or administrator shall have been guilty of any fraud or wilful concealment or misrepresentation in obtaining such opinion, advice or direction: and the costs of such application as aforesaid shall be in the discretion of the Judge to whom the said application shall be made.

General Provisions.

44. For the purposes of this Act, a person shall be deemed to be entitled to the possession, or to the receipt of the rents and income of immoveable or moveable property, although his estate may be charged or incumbered, either by himself or by any former owner, or otherwise howsoever to any extent; but the estates or interests of the parties entitled to any such charge or incumbrance shall not be affected by the acts of the person entitled to the possession or to the receipt of the rents and income as aforesaid, unless they shall concur therein.

45. The provisions contained in this Act shall, except as hereinbefore otherwise provided, extend only to persons entitled or acting under a deed, will, codicil or other instrument executed after this Act comes into operation, or under a will or codicil confirmed or revived by a codicil executed after that date, and only to property in British India and to cases to which English law is applicable.

46. This Act may be called The Trustees and Mortgagees' Powers Act, 1866.

47. On and after the first day of February 1867, but not till then, this Act shall apply to the Settlement of Prince of Wales' Island, Singapore and Malacca; and, in the said Settlement, Section 29 of this Act shall be read as if the words and figures "first day of February 1867" were substituted for the words and figures "first day of January 1866."

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

Simla, the 30th October 1866.

The following Bill and Statement of Objects and Reasons accompanying it are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meeting of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

THE ADMINISTRATOR GENERAL'S BILL.

ARRANGEMENT OF SECTIONS.

PART.—*Preliminary.*

1. Short Title.
2. Repeal of Acts.
3. Interpretation Clause.

PART II.—*Of the Office of Administrator General.*

4. Designation of the three Administrators General.
5. Appointment, suspension, and removal of Administrators General.
6. Qualification of future and continuance of existing incumbents.
7. Administrator General not to be deemed an Officer of High Court.
8. Probates and Letters of Administration granted by Supreme Courts to Ecclesiastical Registrars, to have same effect as if granted to Administrators General.
9. No Administrator General to be an Ecclesiastical Registrar.
Administrator General not to hold any other office without sanction of Government.
Proviso.
10. Administrator General not to trade.
Exception.
11. Security to be given by Administrator General.
Substitution of security of sureties.
12. No security nor oath to be required by Court from Administrator General.
13. Appointment of Officiating Administrator General.

PART III.—*Of the Rights, Powers, and Duties of the Administrator General.*

(a) *Grants of Letters of Administration and Probate to the Administrator General.*

14. As regards Administrator General High Court at Presidency Town to be a Court of competent jurisdiction, wheresoever within the Presidency, the assets may be situate.

15. Administrator General entitled to letters of administration, unless granted to next-of-kin of deceased.

Administrator General entitled to preference of creditor, legatee or friend.

16. When administration of estates of persons other than Hindús, Muhammadans or Buddhists is to be by Administrator General.

17. Upon death of any person leaving assets within local limits, High Court may, if assets are in danger, direct Administrator General to apply for administration.

18. Upon death of any person leaving property within local limits, High Court may, if property is in danger, enjoin Administrator General to collect and hold the same until the right of succession or administration is ascertained.

Rate of commission payable in such case.

19. Probate to be granted to executor appearing in course of proceedings taken by Administrator General to obtain administration.

Costs of proceeding taken by Administrator General to be paid out of the estate.

20. If no executor or next-of-kin appear, or give necessary security, letters of administration to be granted to Administrator General.

Administration to effects of deceased Hindús, Muhammadans or Buddhists not to be granted under Section 16, unless required to protect the assets.

Costs of unnecessary application.

21. Administrator General in certain cases to secure and distribute the estates and effects of soldiers.

Proviso.

22. Administrator General not precluded from applying for letters of administration in any case within one month after death of deceased.

23. After revocation, letters of administration granted to Administrator General to be deemed as to him to have been voidable only.

Exception.

Proviso.

24. What payments made or acts done by Administrator General prior to revocation of administration upon production of a will shall be deemed valid.

25. In what cases Court may recall Administrator General's administration, and grant probate, &c., to executor or next-of-kin.

Unless a will is proved, application to revoke such administration must be made within one year and without needless delay.

26. Costs of obtaining administration, commission, &c., may, on revocation, be ordered by Court to be paid to Administrator General out of the assets.
27. After one year from grant of administration, distribution of assets by Administrator General to be allowed against all claims of which he had no notice.
Persons receiving payments liable to refund.
What to be notice of debt or claim.

28. Letters of Administration to be granted to Administrator General in virtue of his office.
Authority given by such letters.
29. Probate granted to Administrator General appointed executor by virtue of his office.
30. Transfer by private executor or administrator of interest under probate or letters of administration.
31. Vesting of estates, &c., in successor to Administrator General.

(b)—*Suits by and against Administrator General.*

32. Administrator General to sue and be sued in his representative capacity by his name of office.
Suit not to abate by death, etc.
Proviso as to costs.
33. Suits against Administrator General in Courts other than the High Courts in the Presidency Towns.

(c)—*Grant of Certificates by Administrator General.*

34. In what cases Administrator General may grant certificate.
No certificate to be granted in respect of money in Government Savings Bank.
35. Grant of certificate to creditors.
Proviso.
36. Administrator General not bound to grant certificate, unless satisfied of claimant's title.
37. Certificate with receipt annexed to be a sufficient discharge.
Proviso.
38. Administrator General not bound to take out administration on account of effects, in respect of which he has granted a certificate.
39. Fee for certificate.

(d)—*Expenses of the Administrator General's Establishment.*

40. Administrator General to defray expenses of establishment, and all other charges not expressly provided for.

(e)—*Accounts and Schedules.*

41. Administrator General to keep a separate account for each estate, to be open to inspection on payment of fee.
42. Administrator General to furnish half-yearly schedules.

PART IV.—*Of the Audit of the Administrator General's accounts.*

43. Government to appoint auditors.
44. Auditors to examine schedule and report to Government.
45. Auditors to have power to summon witnesses and to call for books, etc.
Penalty for non-attendance.
46. Costs of preparing schedule, etc., how to be paid.

47. Auditors to report especially to Government if accounts appear not correct.
48. Proceedings upon such report.
49. Costs of reference, etc., how to be defrayed.

PART V.—*Of the Commission of the Administrator General.*

50. Commission to be received by Administrators General.
51. Section 50 not to apply to property of officers and soldiers dying on service, which shall come to hands of Administrator General.
Administrator General only entitled to a commission of three per cent. on gross amount of such property.
52. What expenses, etc., commission is to cover.
How payable.
Commission retained to be deemed a distribution.
53. Commission of Administrators General of Madras and Bombay may be reduced and again raised.
Proviso.
54. Commission or agency not to be charged by executor or administrator other than the Administrator General.
Bequest in favour of executors not affected.

PART VI.—*Miscellaneous.*

55. Government may make and alter rules and orders consistent with this Act—
For custody of assets : by ; and
For remittance of money : Administrator General
For guidance of Administrator General in force.
Proviso as to rules now in force.
56. Publication of orders, etc.
57. Orders of Court to have same effect and to be executed in same manner as a decree.
58. Penalty for false evidence.
59. Proceeds of estates unclaimed for fifteen years to be transferred to Government.
60. Mode of proceeding by claimant to recover principal money so transferred.
61. District Judge in certain cases to take charge of property of deceased persons, and to report to Administrator General.
62. Act not to require administration of estates of soldiers, unless Administrator General authorized by Military Secretary.
63. Indian Succession Act and Indian Companies' Act not to affect Administrator General.

Schedule of Acts repealed.

A Bill to consolidate and amend the law relating to the office and duties of Administrator General.

WHEREAS it is expedient to consolidate and amend the law relating to the office and duties of Administrator General ; It is hereby enacted as follows :—

PART I.—*Preliminary.*

1. This Act may be called " The Administrator General's Act, 1867."
2. The Acts and parts of Acts specified in the Schedule hereto are repealed, except so far as they repeal other Acts or Regulations, or parts of Acts

or Regulations. All things duly done under any of the Acts or parts of Acts hereby repealed shall be considered as having been done under this Act.

3. In this Act, unless there be something repugnant in the subject or context—

“ Presidency of Bengal ” includes the territories respectively under the Governments of the Lieutenant-Governors of Bengal, the North-Western Provinces, and the Punjab, and under the administrations of the Chief Commissioners of Oudh, the Central Provinces, and British Burmah :

“ Presidency of Madras ” includes the territories under the Government of the Governor of Fort St. George, and also, so far as regards British subjects, Mysore, Coorg, and the Hyderabad Assigned Districts :

“ Presidency of Bombay ” means the territories under the government of the Governor of Bombay :

“ Presidency Town ” means the town of Calcutta, Madras or Bombay, as the case may be :

“ Government ” means the Governor General of India in Council, so far as the Act relates to the Presidency of Bengal ; the person for the time being administering the executive government of the Presidency of Fort St. George, so far as the Act relates to the Presidency of Madras ; and the person for the time being administering the executive Government of the Presidency of Bombay, so far as the Act relates to that Presidency.

“ District Judge ” means the Judge of a principal Civil Court of original jurisdiction.

“ Letters of Administration ” shall include any letters of administration, whether general or limited, or with a will annexed, and letters *ad colligenda bona* :

“ Next-of-kin ” includes a widower or widow of a deceased person, or any other person who, by law and according to the practice of the Courts, would be entitled to letters of administration in preference to a creditor or legatee of the deceased :

“ Officer ” means a Commissioned Officer of Her Majesty’s Army, or of Her Majesty’s Indian Army :

“ Soldier ” means a soldier of Her Majesty’s Army, or European Soldier of Her Majesty’s Indian Army, including a Warrant and a Non-Commissioned Officer.

Words in the masculine gender include the feminine ; and words in the singular number include the plural, and *vice versa*.

PART II.—Of the Office of Administrator General.

4. In each of the Presidencies of Bengal, Madras, and Bombay, there shall be an Administrator General. The said Administrators General shall be called respectively the Administrator General of Bengal, the Administrator General of Madras, and the Administrator General of Bombay.

5. Such Officers shall be appointed and may be suspended or removed by the authorities hereinafter mentioned respectively, that is to say,—

The Administrator General of Bengal, by the Governor General of India in Council ; the Administrator General of Madras, by the Government of Fort St. George ; and the Administrator General of Bombay, by the Government of Bombay.

6. Any person hereafter appointed to the office of Administrator General or Officiating Administrator General of any of the said Presidencies, shall be a member of the Bar of England or Ireland, or of the Faculty of Advocates in Scotland, of not less than five years’ standing ; but any person now holding such office shall continue to hold the same, subject to the provisions contained in the other Sections of this Act.

7. The Administrator General shall not be deemed in that capacity to be an Officer of any High Court.

8. All probates and letters of administration granted by any of the late Supreme Courts of Judicature to the Ecclesiastical Registrar of such Court in virtue of his office shall have the same effect in all respects as to any act hereafter to be done or required to be done under this Act, as if they had been granted to the Administrator General.

9. No person now holding the office of Administrator General, or hereafter to be appointed to such office in any of the said Presidencies, shall hold the office of Ecclesiastical Registrar, nor, without the express sanction of Government, any other office, together with that of Administrator General : Provided that the Administrator General of the Presidency may be appointed Official Trustee under Act No. XVII of 1864 : Provided also, that nothing in this Act shall prevent the Administrator General of Bengal from holding the office of Receiver of the High Court of Judicature at Fort William.

10. It is hereby declared to be an offence punishable in manner provided by Section 168 of the Indian Penal Code, for any Administrator General to trade or traffic for his own benefit, or for the benefit of any other person, unless so far as shall appear to him to be expedient for the due management of the estates which shall come into his charge under the provisions of this Act, and for the sole benefit of the several persons entitled to the proceeds of such estates respectively ; but this exception is not to be construed to alter the civil liabilities of the Administrator General as trustee of such estates.

11. Unless the Governor General of India in Council or the Government, with the sanction of the Governor General of India in Council, shall otherwise order, every Administrator General shall be given by the Administrator General.

Security to be given by Administrator General.

trator General hereafter to be appointed shall give security to the Government of India for the due execution of his office, for one lakh of Rupees by his own bond, and for another lakh of Rupees, or for separate sums, amounting together to one lakh of Rupees, by the deposit of Government securities, or by the joint and several bond or bonds of two or more sureties to be approved by Government, or partly by such deposit and partly by such bond or bonds: Provided that every Administrator General

Substitution of security or sureties.

may, with the consent of Government, substitute either of the said two last-mentioned kinds of security for another previously given for such last-mentioned lakh, or any part of it; and every Administrator General may, with the consent of Government, and shall from time to time when required by Government so to do, cause fresh sureties to be substituted for any of those previously bound so far as the security shall relate to the due execution of his office for the time then to come.

12. No Administrator General shall be required by any Court to enter into any administration bond, or to give other security to the Court, on the grant of any letters of administration to him in virtue of his office; and no Administrator General shall be required to verify, otherwise than by his signature, any petition presented by him under the provisions of this Act.

13. Whenever any person holding the office of Administrator General shall obtain leave of absence, it shall be lawful for the Government to appoint some person to officiate as Administrator General, and such person while so officiating shall be subject to the same conditions and be bound by the same responsibilities as the Administrator General by any law now in force or that may hereafter be enacted, and he shall be deemed to be Administrator General for the time being under this Act, and shall be liable to give security under Section 11 of this Act in like manner as if he had been appointed Administrator General.

PART III—Of the Rights, Powers, and Duties of the Administrator General.

(a)—Grants of Letters of Administration and Probate to the Administrator General.

14. So far as regards the Administrator General of any of the Presidencies of Bengal, Madras, and Bombay, the High Court of Judicature at the Presidency Town shall be deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act, 1865, wheresoever within the Presidency the property to be comprised in the probate or letters of administration may be situate.

15. Any letters of administration, or letters *ad colligenda bona*, which shall hereafter be granted by the High Court of Judicature at any Presidency Town, shall be granted to the Administrator General of

the Presidency, unless they shall be granted to the next-of-kin of the deceased.

Administrator General entitled in preference to creditor, legatee or friend.

The Administrator General of the Presidency shall be deemed to have a right to letters of administration in preference to that of any person merely on the ground of his being a creditor, residuary or other legatee, or friend of the deceased.

16. If any person, not being a Hindú, Muhammadan or Buddhist, shall have died, whether within any of the said Presidencies or not, and whether before or after the passing of this

Act, and shall have left assets exceeding the value of five hundred Rupees within any of the said Presidencies, and no person shall, within one month after his death, have applied in India for probate of a will, or for any letters of administration of his estate, the Administrator General of the Presidency in which such assets shall be is hereby required, within a reasonable time after he shall have had notice of the death of such person, and of his having left such assets as aforesaid, to take such proceedings as may be necessary to obtain from the High Court of Judicature at the Presidency Town, letters of administration to the effects of such person, either generally or with a will annexed, as the case may require. Whenever the Administrator General of the Presidency shall take proceedings under this Section, it shall be sufficient if the petition required by Section 246 of the Indian Succession Act, 1865, shall state the time and place of the deceased's death to the best of the petitioner's knowledge or belief, that the deceased left some property within the Presidency as hereinbefore defined, and the amount of assets which are likely to come into the petitioner's hands.

17. Whenever any person, whether a Hindú, Muhammadan or Buddhist, or not, shall die leaving assets within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at the

Presidency Town, it shall be lawful for the Court, upon the application of any person interested in such assets, or in the due administration thereof, either as a creditor, legatee, next-of-kin, or otherwise, or upon the application of a friend of any minor who may be so interested, or upon the application of the Administrator General, if the applicant shall satisfy the Court that danger is to be apprehended of the misappropriation of such assets unless letters of administration of the effects of such person are granted, to make an order, upon such terms as to costs as to the Court shall seem fit, directing the Administrator General to apply for letters of administration of the effects of such person.

18. Whenever any person, whether a Hindú, Muhammadan or Buddhist, or not, shall have died leaving moveable or immoveable property within the local limits of the ordinary original civil jurisdiction of any of the said High Courts, and such Court shall be satisfied that danger is to be apprehended of the misappropriation or waste of such property, before it can be ascertained who may be legally entitled to the succession to such

As regards Administrator General, High Court at Presidency Town to be deemed a Court of competent jurisdiction within meaning of Sections 187 and 190 of Indian Succession Act.

Administrator General entitled to letters of administration, unless granted to next-of-kin of deceased.

Upon death of any person leaving property within local limits, High Court may, if property is in danger, enjoin Administrator General to collect and hold the same until right of succession or administration is ascertained.

property, or whether the Administrator General is entitled to letters of administration to such deceased person, it shall be lawful for the Court to authorize and enjoin the Administrator General to collect and take possession of such property, and to hold or deposit or invest the same according to the orders and directions of the Court, and in default of any such orders or directions, according to the provisions of this Act so far as the same are applicable to such property; and the Administrator

Rate of commission payable in such case.

General shall be entitled to a commission of one *per centum* upon the amount of all moveable assets collected or received by him in pursuance of such order, and also to reimburse himself for all payment made by him in respect of the assets which a private administrator of such assets might lawfully have made; and in case letters of administration of any such property shall be afterwards granted to the Administrator General, the said commission of one *per centum* shall be deemed a part of payment of the commission payable to the Administrator General under the letters of administration. Any order of Court made under the provisions of this Section shall entitle the Administrator General to collect and to take possession of such property, and, if necessary, to maintain a suit for the recovery thereof.

19. If in the course of proceedings to obtain letters of administration under the provisions of Section 16 or Section 17 of this Act, any executor appointed by a will of the deceased shall appear according to the practice of the Court and prove the will and accept the office of executor, or if any person shall appear according to such practice and make out his claim to letters of administration as next-of-kin of the deceased, and shall give such security as shall be required of

Probate to be granted to executor appearing in the course of proceedings taken by Administrator General to obtain administration.

him by law or by the practice of the Court, the Court shall grant probate of the will or letters of administration accordingly, and shall award to the Administrator General his costs of the proceedings so taken by him, to be paid out of the estate as part of the testamentary expenses thereof.

Costs of proceedings taken by the Administrator General to be paid out of the estate.

20. If no person shall appear according to the practice of the Court, and entitle himself to probate of a will, or to a grant of letters of administration as next-of-kin of the deceased,

or if the person who shall entitle himself to a grant of administration shall neglect to give such security as shall be required of him by law or according to the practice of the Court, the Court shall grant letters of administration to the Administrator General: Provided that, in the case of an application being made under Section 17 of this Act for letters of administration to the effects of a deceased Hindú, Muhammadan or Buddhist, the Court may refuse to grant letters of administration to any

Administration to effects of deceased Hindú, Muhammadan or Buddhist, not to be granted under Section 17, unless required to protect the assets.

Costs of unnecessary application.

person if it be satisfied that such grant is unnecessary for the protection of the assets, and in such case the said Court shall make such order as to the costs of the application as it shall think just.

21. The Administrator General shall, when duly authorized or required so to do by the Military Secretary to Government, secure and distribute the assets of the estate and effects of any officer, soldier, or other person subject to any Articles of War, in all cases in which such estate and effects do not exceed on the whole five hundred Rupees, charging the estate with a commission of three *per centum* only.

Proviso.

It shall not be necessary for the Administrator General to take out letters of administration in cases referred to in this Section.

22. Nothing in this Act is intended to preclude the Administrator General from applying to the Court for letters of administration in any case, within the period of one month from the death of the deceased.

Administrator General not precluded from applying for letters of administration in any case within one month after death of deceased.

23. If any letters of administration which shall be granted to the Administrator General under the provisions of this Act shall be revoked or recalled, the same shall, so far as regards the Administrator

After revocation, letters of administration granted to Administrator General to be deemed as to him to have been voidable only.

Exception.

General and all persons acting under his authority in pursuance thereof, be deemed to have been only voidable; except as to any act done by any such Administrator General or other person as aforesaid, after notice of a will or of any other fact which would render such letters of administration void: Provided that

Proviso.

no notice of a will or of any other fact which would render any such letters of administration void, shall affect the Administrator General or any person acting under his authority in pursuance of such letters of administration, unless, within the period of one month from the time of giving such notice, proceedings be commenced to prove the will, or to cause the letters of administration to be revoked, nor unless such proceedings be prosecuted without unreasonable delay.

24. If any letters of administration which shall be granted under this Act shall be revoked upon the production and proof of a will, all payments made or acts done by or under the authority of the Administrator General in pursuance of such letters of administration prior to the revocation thereof, which would have been valid under any letters of administration lawfully granted to him with such will annexed, shall be deemed valid, notwithstanding such revocation.

What payments made or acts done by Administrator General prior to revocation of administration upon production of a will, shall be deemed valid.

25. If an executor or next-of-kin of the deceased, who shall not have been personally served with a citation, or had notice thereof in time to appear in pursuance thereof, shall establish to the satisfaction of the Court a claim to probate of a will or to letters of administration in preference to the Administrator General, any letters of administration which shall be granted by virtue of this Act to the Administrator General, may be recalled and revoked, and probate may be granted to such executor, or letters of adminis-

In what cases Court may recall Administrator General's Administration and grant probate, &c., to executor or next-of-kin.

tration granted to such other person as afore-

Unless a will is proved, application to revoke such administration must be made within six months and without needless delay.

for the cause aforesaid, except in cases in which a will or codicil of the deceased shall be proved in India, unless the application for that purpose shall be made within six months after the grant to the Administrator General, and the Court shall be satisfied that there has been no unreasonable delay in making the application, or in transmitting the authority under which the application shall be made.

26. If any letters of administration, which shall be granted to the Administrator General in pursuance of this Act, shall be revoked, the Court may order the costs of obtaining such letters of administration, and the whole or any part of any commission which would otherwise have been payable under this Act, together with the costs of the Administrator General in any proceedings taken to obtain such revocation, to be paid to or retained by the Administrator General out of any assets belonging to the estate.

27. Any payment or delivery of assets to any legatee or to any person entitled in distribution, which shall be made by an Administrator General after the expiration of one year from the grant of the letters of administration under which such payment or delivery shall be made, shall be allowed to the Administrator General as against all creditors and other claimants against the estate, of whose debts or claims he shall not have had notice before making such payment or delivery: Provided that nothing herein contained shall exempt the person to whom such payment or delivery shall be made, from any liability to refund to which he would otherwise be liable: And provided also, that no notice of any debt or claim shall affect the Administrator General, unless proceedings to enforce the debt or claim be commenced within one month after the giving of such notice, and be prosecuted without unreasonable delay.

Person receiving payments liable to refund.

What to be notice of debt or claim.

28. All letters of administration, which shall be granted to any Administrator General in virtue of his office, shall be granted to him by his name of office, and all letters of administration heretofore granted to the Ecclesiastical Registrar or Administrator General officially, or which shall be granted to any Administrator General in virtue of his office, shall authorize the Administrator General for the time being of the same Presidency to act as administrator of the estate to which such letters of administration shall relate.

Authority given by such letters.

29. Every probate which shall be granted to any Administrator General of a will wherein he shall be named as executor by virtue of his office, shall be granted

to him by his name of office, and shall authorize the Administrator General for the time being of the same Presidency to act as executor of the estate to which such probate shall relate.

30. It shall be lawful for any private executor or administrator, with the previous consent of the Administrator General of the Presidency in which the property comprised in the

Transfer by private executor or administrator or interest under probate or letters of administration.

probate or letters of administration is situate, by an instrument in writing under his hand, bearing a stamp of ten Rupees, and notified in the local Gazette, to transfer all estates, effects, and interests vested in him by virtue of such probate or letters to the Administrator General by his name or office; and thereupon the transferor shall be exempt from all liability as such executor or administrator, as the case may be, for any act or omission in respect of the said property after the date of the said transfer; and the Administrator General for the time being shall have the rights and be subject to the liabilities which he would have had, and to which he would have been subject, if the probate or letters of administration, as the case may be, had been granted to him by his name of office at the date aforesaid. Nothing herein contained shall be taken to exempt any such transferor from liability for acts and omissions in respect of the said property prior to the transfer.

31. All estates, effects and interests, which, at the time of the death, resignation or removal from office of any Administrator General, shall be vested in him by virtue of such letters of administration, probates or transfers as aforesaid, shall, upon every such death, resignation or removal, cease to be vested in him, and shall vest in his successor in office immediately upon his appointment thereto. All books, papers, and documents kept by such Administrator General, by virtue of his office or as such executor or transferee as aforesaid, shall be transferred to and vested in his successor in office.

Vesting of estates, etc., in successor of Administrator General.

(b)—Suits by and against Administrator General.

32. All suits or other proceedings, which shall be commenced by or against any Administrator General in his representative character, may be brought by or against him by his name of office, and no suit or other

Administrator General to sue and be sued in his representative capacity by his name of office.

Suit not to abate by death, &c.

proceedings already commenced, or which shall be commenced, by or against any person as Administrator General, either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of any such Administrator General, but the same may, by order of the Court, and upon such terms as to the service of notices or otherwise as the Court may direct, be continued by or against his successor immediately upon his appointment, in the same manner as if no such death, resignation or removal had occurred: Provided that nothing hereinbefore contained shall

Provide as to costs.

render any such successor personally liable for any costs incurred prior to the order for continuing the suit against him.

33. If any suit shall be brought against any Administrator General in his representative character in any Court other than the High Court in the Presidency town, the plaintiff shall be liable to pay the costs of the suit and shall not be entitled to have the decree (if any) in such suit enforced, unless upon proof by affidavit or otherwise that not less than one calendar month previous to the institution of the suit he had applied in writing to the Administrator General, stating the amount and other particulars of the claim, and supported the same by such evidence, as under the circumstances of the case, the Administrator General was reasonably entitled to require.

(c)—*Grant of Certificates by Administrator General.*

34. Whenever any person, not being a Hindú, Muhammadan or Buddhist shall have died, whether within any of the said Presidencies or not, and whether before or after the passing of this Act, and shall have left moveable assets within any of the said Presidencies, and the Administrator General of such Presidency shall be satisfied that such effects do not exceed in the whole five hundred Rupees in value, he may, after the lapse of one month from the death, if he shall think fit, or before the lapse of the said month, if he shall be requested so to do by writing under the hand of the widow or other person entitled to administer the effects of the deceased, grant to any person claiming to be entitled to a principal share of such effects, certificates under his hand entitling the claimant to receive the sums or securities for money therein severally mentioned, belonging to the effects of the deceased, to the value of any sum not exceeding in the whole five hundred Rupees: Provided that no certificate shall be granted under this Section where letters of administration of such effects have been granted, or in respect of any sum of money deposited in a Government Savings Bank.

35. If in cases falling within Section 34 of this Act, no person claiming to be entitled to a principal share of the effects of the deceased, shall, within three months, obtain a certificate from the Administrator General under the same Section, or letters of administration to the estate and effects of the deceased, the Administrator General may administer the estate without letters of administration in the same manner as if such letters of administration had been granted to him; and if he shall neglect or refuse to take upon himself the administration of the estate and effects, he shall, upon the application of a creditor, and upon being satisfied of his title, grant a certificate in the same manner as if such creditor were entitled to a principal share of the effects of the deceased, and such certificate shall have the same effect as a certificate granted under the provisions of the same Section, and shall be subject to all the provisions of this Act which are applicable to such certificate: Provided that the Administrator General may, before granting such certificate, if he think fit, require the creditor to

give reasonable security for the due administration of the estate and effects of the deceased.

36. The Administrator General shall not be bound to grant any such certificate, unless he shall be satisfied of the title of the claimant and of the value of the effects of the deceased, either by the oath, affidavit or solemn affirmation of the claimant (which oath, affidavit or affirmation the Administrator General is hereby authorized to administer or take), or by such other evidence as he shall require.

37. Any such certificate, with a receipt annexed under the hand of the person to whom the certificate shall be granted, shall be a full discharge for payment or delivery to him of the money, or security for money therein mentioned, to the person paying or delivering the same: but nothing in this Act shall preclude any executor or administrator of the deceased from recovering from the person receiving the same, the amount remaining in his hands, after deducting the amount of all debts or other demands lawfully paid or discharged by him in due course of administration. And any creditor or claimant against the estate of the deceased shall be at liberty to recover his debt or claim out of the assets received by such person, and remaining in his hands unadministered, in the same manner and to the same extent as if such person had obtained letters of administration to the estate of the deceased.

38. The Administrator General shall not be bound to take out letters of administration to the estate of any deceased person on account of the effects in respect of which he shall grant any such certificate; but he may do so if he shall discover any fraud or misrepresentation made to him, or that the value of the estate exceeded five hundred Rupees.

39. For every such certificate the Administrator General shall be entitled to charge a fee calculated after the rate of three Rupees in the hundred on the amount mentioned in the certificate.

(d)—*Expenses of the Administrator General's Establishment.*

40. The Administrator General shall defray all the expenses of the establishment necessary for his office, and all other charges to which the said office shall be subject, except those for which express provision is made by this Act.

(e)—*Accounts and Schedules.*

41. The Administrator General of each of the said Presidencies shall enter into books, to be kept by him for that purpose, separate and distinct accounts of each estate, and of all such sums of money, bonds and other securities for money, goods, effects and things as shall come to his hands, or to the hands of any person employed by him, or in trust for him, under this Act; and likewise of all payments made by him on account of such estate, and of all debts due by or to the same, specifying the dates of such receipts and

Suits against Administrator General in Courts other than Presidency Town High Courts.

Administrator General not bound to grant certificate unless satisfied of claimant's title, &c.

Certificate with receipt annexed, to be a sufficient discharge.

Proviso.

In what case Administrator General may grant certificate.

No certificate to be granted in respect of money in Government Savings Bank.

Administrator General not bound to take out administration on account of effects, in respect of which he has granted certificate.

Fee for certificate.

Grant of certificate to creditors.

Administrator General to defray expenses of establishment, and all other charges not expressly provided for.

Proviso.

Administrator General to keep a separate account for each estate, to be open to inspection on payment of fee.

payments respectively. Such books shall be kept in the Administrator General's Office, and shall be open for the inspection of all such persons, practitioners in the said Courts and others, as may have occasion to inspect the same, at office hours, paying only such reasonable fee as hath been or shall be, from time to time, fixed by the Government and published in the official *Gazette* of the Presidency to which the same may relate.

42. The Administrator General of each of the said Presidencies shall, twice in every year, that is to say on or before the first day of April and on or before the first day of October, or on such other days as the Government shall, by any rules or orders to be published as aforesaid, direct, exhibit and deliver, in open Court, a true schedule showing the gross amount of all sums of money received or paid by him on account of each estate in his charge, and the balances during the period of six months ending severally on the thirty-first day of December and thirtieth day of June next before the day of delivering such schedule, and a true list of all bonds or other securities received on account of each of the said estates during the same period; and also a true schedule of all administrations, whereof the final balances shall have been paid over to the persons entitled to the same, during the same period, specifying the amount of such balances, and the persons to whom paid. Such schedules shall be filed of record in such High Court, and shall, within

Administrator General to furnish half-yearly schedules.
fourteen days afterwards, be published in the official *Gazette* of the Presidency by the said Administrator General; and copies thereof in triplicate shall be delivered by such Administrator General to the Secretary of the said Presidency, and shall be sent by the Governor thereof to the Secretary of State for India, in order that such Secretary may, if he think fit so to do, order the same to be deposited at the India Office, for public inspection, and may cause notices to be published in the *London Gazette* and other leading newspapers, that such schedules are open to inspection there, or may make such other orders respecting the same as he may think fit.

Schedules to be filed and published.

Part IV.—Of the Audit of the Administrator General's Accounts.

43. The Government shall, from time to time, appoint auditors to examine the accounts of the Administrator General at the times of the delivery of the said schedules, and also at any other time when the Government shall think fit.

Government to appoint Auditors.

44. The auditors shall examine the schedules and accounts, and report to the Government whether they contain a full and true account of every thing which ought to be inserted therein, and whether the books which, by this Act, are, or which, by any such general rules and orders as hereinafter mentioned, shall be directed to be kept by the Administrator General, have been duly and regularly kept, and whether the assets and securities have been duly kept and invested and deposited in the manner prescribed by this Act, or which shall be prescribed by any such rules and orders to be made as aforesaid.

Auditors to examine schedule, and report to Government.

45. Every auditor shall have power to sum-

Auditors to have power to summon witnesses and call for books, &c.

mon as well the Administrator General as any other person whose presence he may think necessary, to attend him from time to time; and to examine the Administrator General, or other person, if he shall think fit, on oath or solemn affirmation, to be by him administered; and to call for all books, papers, vouchers and documents, which shall appear to him to be necessary for the purposes of the said reference. If the Administrator General or other person when summoned shall refuse, or, without reasonable cause, neglect to attend or to produce any book, paper, voucher or document so required, or shall attend and refuse to be sworn or make a solemn affirmation, when by law an affirmation may be substituted for an oath, or shall refuse to be examined, the auditors shall certify such neglect or refusal in writing to the High Court at the Presidency Town; and every person so refusing or neglecting, shall thereupon be punishable in like manner as if such refusal or neglect had been in contempt of the said High Court.

Penalty for non-attendance.

46. The costs and expenses of preparing and publishing the said schedules and copies thereof, and of every such reference and examination as aforesaid, shall be defrayed by all the estates to which such schedules or accounts shall relate. Such costs and expenses, and the portion thereof to be contributed by each of the said estates, shall be ascertained and settled by the auditors, subject to the approval of the Government, and shall be paid out of the said estates accordingly by the Administrator General.

Costs of preparing schedules, &c., how to be paid.

47. If upon any such reference and examination the auditors shall see reason to believe that the said schedules do not contain a true and correct account of the matters therein contained, or which ought to be therein contained, or that the assets have not been duly kept and invested or deposited in the manner directed by this Act, or which shall be directed by any such rules and orders as aforesaid, or that the Administrator General has failed to comply with the provisions and directions of this Act, or of any such rules and orders, they shall report accordingly to the Government.

Auditors to report specially to Government, if accounts appear not correct.

48. The Government may refer every such report as last aforesaid to the consideration of the Advocate General for the Presidency, who shall thereupon, if he shall think fit, proceed summarily against the defaulter or his executor or administrator in the High Court in the Presidency town by petition for an account, or to compel obedience to this Act, or to such rules and orders as aforesaid, or otherwise as he may think fit, in respect of all or any of the estates then or formerly under the administration of such defaulter; and the said Advocate General shall have power to exhibit interrogatories to the said Administrator General, Executor or Administrator (hereinafter called the defendant), who shall be bound to answer the same as fully as if a commission had been issued, under the provisions of the Code of Civil Procedure, for his examination upon the said interrogatories. The Court shall have power upon any such petition to compel the

Proceedings upon such report.

attendance in Court of the defendant and any witnesses who may be thought necessary, and to examine them orally or otherwise as the said Court shall think fit, and to make and enforce such order or orders as the Court shall think just.

49. The costs, including those of the Advocate General, and of the reference to him, if the same shall be directed by the Court to be paid, shall be defrayed either by the defendant or out of the estates rateably as the said Court shall direct; and whenever any costs shall be recovered from the defendant, the same shall be repaid to the estates by which they shall have been in the first instance contributed, and the Court may, if it shall think fit, order the defendant to receive his costs out of the said estates.

PART V.—Of the Commission of the Administrator General.

50. The Administrator General of each of the said Presidencies, under any letters of administration which shall be granted to him in his official character, or under any probate which shall be granted to him of a will wherein he shall be named as executor by virtue of his office; or under any probates or letters of administration which are or shall be vested in him by Section 8 or Section 30 of this Act, shall be entitled to receive a commission at the following rates respectively, *viz.* :—

The Administrator General of Bengal at the rate of three *per centum*, and the Administrators General of Madras and Bombay respectively at the rate of five *per centum*, upon the amount or value of the assets which they shall respectively collect and distribute in due course of administration.

51. The last preceding Section shall not apply to cases in which the property of an officer or soldier dying on service shall come to the hands of the Administrator General of any of the said Presidencies, under the 9th or the 12th Section of the Statute called "The Regimental Debts Act, 1863," and such Administrator General shall not be entitled to take, and it shall not be lawful for him to take, a percentage on any such property exceeding three *per centum* on the gross amount coming to his hands after the passing of the Administrator General's Act, 1865, if preferential charges as defined by the 4th Section of the said Statute have been previously paid, or on the gross amount remaining in his hands after payment by him of such charges, as the case may be.

52. The Administrator General shall be entitled to reimburse himself for any payments made by him in respect of any estate in his charge, which a private administrator of such estate might have lawfully made; but save as aforesaid the commission to which the Administrator General of each of the said three Presidencies shall be entitled, is intended to cover, not merely the expenses and trouble of collecting the assets, but also his trouble and responsibility in

distributing them in due course of administration. It is therefore enacted that one-half of such

commission shall be payable to and retained by such Administrator General upon the collection of the assets, and the other half thereof shall be payable to the Administrator General who shall distribute any assets in the due course of administration, and may be retained by him upon such distribution. The amount of the commission lawfully retained by an Administrator General upon the distribution of assets, shall be deemed a distribution in the due course of administration within the meaning of this Act.

53. The Governments of the Presidencies of Fort St. George and Bombay respectively, may, with the sanction of the Governor General of India in Council, from time to time, order the aforesaid rate of commission hereby authorized to be received by the Administrators General of Madras and Bombay respectively to be reduced and again to be raised:

Provided that the commission so to be received shall not at any time exceed five *per centum* of the assets collected, and that no person now holding the office of Administrator General of Madras or Bombay shall, by any such order, be deprived of the right to receive and retain, for his own use, a commission at the rate of three *per centum* in respect of all assets collected and actually administered by him.

54. No person other than the Administrator

General acting officially shall receive or retain any commission or agency charges for anything done as executor or administrator under any probate or letters of administration, of letters *ad colligenda bona*, which have been or shall be granted by the Supreme Court or High Court of Judicature at Fort William in Bengal since the passing of Act No. VII of 1849, or by either or the Supreme or High Courts of Judicature at Madras and Bombay since the passing of Act No. II of 1850, or which shall hereafter be granted by either of the same High Courts; but this enactment shall not prevent any executor or other person from having the benefit of any legacy bequeathed to him in his character of executor, or by way of commission or otherwise.

Bequest in favour of executors not affected.

PART VI.—Miscellaneous.

55. The Government shall have power, from time to time, to make and alter any general rules and orders consistent with the provisions of this Act, for the safe custody of the assets and securities which shall come to the hands or possession of the Administrator General, and for the remittance to the India Office of all sums of money which shall be payable or belong to persons resident in Europe, or in other cases where such remittances

Commission to be received by Administrators General.

Section 50 not to apply to property of officers and soldiers dying on service, which shall come to hands of Administrator General.

Administrator General only entitled to a commission of three per cent. on gross amount of such property.

What expenses, &c., commission is to cover.

How payable.

Commission retained to be deemed a distribution.

Commission of the Administrators General of Madras and Bombay may be reduced and again raised.

Proviso.

Commission or agency not to be charged by executor or administrator other than the Administrator General.

Bequest in favour of executors not affected.

Government may make and alter rules and orders consistent with this Act—

For custody of assets.
For remittance of money.

shall be required, and generally for the guidance

For guidance of Administrator General,

and government of the Administrator General in the discharge of his duties; and may, by such rules and orders, amongst other things, direct what books, accounts, and statements, in addition to those mentioned in this Act, shall be kept by the Administrator General, and in what form the same shall be kept and what entries the same shall contain, and where the same shall be kept, and where and how the assets and securities belonging to the estates to be administered by such Administrator General shall be kept and invested or deposited pending the administration thereof, and how and at what rate or rates of exchange any remittances thereof shall be made. Unless any such rules shall be

Proviso as to rules now in force.

made and published, the rules now in force in each of the said Presidencies so far as the same are not inconsistent with this Act, shall be of the same force and effect as if the same had been made and published under this Act.

56. Such orders shall be published in the official *Gazettes* of the several Presidencies, and it shall be the duty of the several Administrators General to obey and fulfil the same, and the same shall be a full authority and indemnity for all persons acting in pursuance thereof.

57. Any order which shall be made under this Act by any Court shall have the same effect and be executed in the same manner as a decree.

58. Every person who, having been sworn, or having taken a solemn affirmation under this Act, shall wilfully give false testimony upon any examination authorized by this Act, shall be deemed guilty of the offence of giving false evidence in a judicial proceeding, and, if convicted, shall be liable to be punished accordingly.

59. The net proceeds of all estates in the official charge of the Administrator General of any of the said Presidencies and which now appear, or shall hereafter appear, from the official books and accounts of the Ecclesiastical Registrar and of the Administrator General of any of those Presidencies, or from the official books and accounts of any of those officers, to have been in official custody for a period of fifteen years or upwards without any claim thereto having been made and allowed, shall be transferred and paid to the Accountant General of Bengal, Madras or Bombay, as the case may be, and be carried to the account and credit of the Government of India for the general purposes of Government; and the receipt of the said Accountant General shall be a full indemnity and discharge to the said Administrator General for any such payment or transfer: Provided that this Act shall not authorize any transfer or payment of any such proceeds as aforesaid, pending any suit already instituted

Proviso.

or which shall be hereafter instituted in respect thereof.

60. If any claim shall be hereafter made to

Mode of proceeding by claimant to recover principal money so transferred.

any part of the securities, monies or proceeds which shall be carried to the account or credit of the Government of India under the provisions of this Act, and if such claim shall be established to the satisfaction of the Accountant General to the Government of Bengal, Fort St. George or Bombay, as the case may be, the Government of India shall pay to the claimant the amount of the principal so carried to the credit and account of the said Government of India, or so much thereof as shall appear to be due to the claimant. If the claim shall not be established to the satisfaction of the said Accountant General, the claimant may apply by petition to the High Court at the Presidency Town against the Government of India, and after taking evidence, either orally or on affidavit, in a summary way, as the said Court shall think fit, the said Court shall make such order on the petition for the payment of such portion of the said principal sum as justice shall require, and such order shall be binding on all parties to the suit.

61. Whenever any person other than a Hindú, Muhammadan or Buddhist

District Judge in certain cases to take charge of property of deceased persons, and to report to Administrator General.

shall die leaving assets within the limits of the jurisdiction of a District Judge, and no will shall be found among the effects of the deceased, it shall be the duty of the District Judge to report the circumstance without delay to the Administrator General of the Presidency, retaining the property under his charge, or appointing an Officer under the provisions of the Indian Succession Act, 1865, Section 239, to take and keep possession of the same, until letters of administration shall have been obtained by the Administrator General or by some other person, when the property shall be delivered over to the person obtaining such letters of administration, or, in the event of a will being discovered, to the person who may obtain probate of the will.

62. Nothing in this Act is intended to require

Act not to require administration of estates of soldiers, unless Administrator General authorized by Military Secretary.

the Administrator General to take proceedings to obtain letters of administration to the estates or effects of any officer or soldier or other person subject to any Articles of War, unless when the Administrator General shall be duly authorized or required so to do by the Military Secretary to Government; nor is anything in this Act contained intended to interfere with or alter the provisions of any Act of Parliament for regulating the payment of regimental debts, and the distribution of the effects of officers and soldiers dying in the service of Her Majesty in India, or of any Articles of War.

63. Nothing contained in the Indian Succession Act, 1865, or the Indian Companies' Act, 1866,

Indian Succession Act and Indian Companies' Act not to affect Administrator General

shall be deemed or taken to supersede or affect the rights, duties, and privileges of the Administrators General and Officiating Administrators General of Bengal, Madras, and Bombay respectively.

SCHEDULE.

NUMBER OF ACT.	TITLE OF ACT.	EXTENT OF REPEAL.
VIII of 1855	... An Act to amend the law relating to the office and duties of Administrator General.	The whole Act.
XXVI of 1855	... An Act to facilitate the payment of small deposits in Government Savings Banks to the representatives of the deceased depositors.	Section 4.
XXVI of 1860	... An Act to amend Act VIII of 1855 relating to the office and duties of Administrator General.	The whole Act.
IV of 1865	... An Act to exempt the estates of deceased officers and soldiers delivered over to the Administrator General of Bengal, Madras or Bombay, from the operation of the 26th Section of Act No. VIII of 1855.	The whole Act.
X of 1865	... The Indian Succession Act, 1865	... Section 330.
XXV of 1866	... An Act to transfer to the Government of India certain securities and monies deposited in the High Courts of Judicature at Fort William, Madras, and Bombay, and in the Supreme Court of the Straits Settlement, and the proceeds of certain estates in the charge of the Administrator General of Bengal.	So much of the Act as relates to the Administrator General of Bengal.

STATEMENT OF OBJECTS AND REASONS.

The passing of the Indian Succession Act, 1865, and the establishment of a High Court in the North-Western Provinces with original testamentary and intestate jurisdiction, have had serious effects on the office of the Administrator General. Until lately, for instance, whenever a British subject died leaving assets, not only within the jurisdiction of the High Court at Fort William, but in the Punjab, Oudh, or the Central Provinces, and the executor or next-of-kin has not acted, the estate has been dealt with by the Administrator General of Bengal. When the assets were out of the jurisdiction, the local judicial authorities sold the property and remitted the proceeds to his office in Calcutta, thus enabling him to administer. The fact of the High Court at Fort William being the only Court in the Bengal Presidency and the Non-Regulation Provinces subordinate thereto, which had testamentary and intestate jurisdiction, greatly increased the number of estates which came into his office.

Under the Indian Succession Act all District Courts possess testamentary and intestate jurisdiction, and executors or next-of-kin, being able to obtain probate or administration on the spot, are adopting and will doubtless generally adopt that course instead of resorting to the Administrators General. This is causing those Officers a serious loss of income, and the loss is likely to become greater. It is true that the Succession Act reserves the rights and privileges of the Administrators General; but at the same time the provisions of that Act diminish the value of those rights and privileges.

The office of Administrator General is of much utility, not only for protecting and winding up

estates when the parties entitled are at a distance, but also for administering insolvent and complicated estates when relatives and agency houses would decline to act. Moreover, it has been and ought to be a source of considerable revenue to Government as a medium for collecting the assets of escheated estates, and of estates which are paid over as unclaimed for fifteen years.

Under these circumstances the present Bill proposes to re-place, practically, the Administrators General in the position which they occupied before and at the passing of the Succession Act, and to declare that, so far as regards those Officers, the High Courts at the Presidency Towns shall be deemed to be Courts of competent jurisdiction within the meaning of Sections 187 and 190 of that Act, wheresoever within the Presidency the property to be comprised in the probate or letters of administration may be situate. The effect of this provision, taken with the definition of 'Presidency of Bengal' contained in Section 2 of the Bill, will be that the High Court at Fort William may grant to the Administrator General of Bengal letters of administration in respect of assets situate in Bengal, the North-Western Provinces, the Punjab, Oudh, the Central Provinces, and British Burmah, and that such letters will authorize him to collect assets throughout the whole of these territories. In the same way, letters of administration granted by the High Court of Madras to the Administrator General of Madras, will authorize him to collect assets throughout the Presidency of Fort St. George, and (in the case of British subjects) Mysore, Coorg, and the Hyderabad Assigned Districts. Letters of administration granted to the Administrator General of Bombay, will have a similar effect as regards assets in that Presidency.

The opportunity has been taken of repealing and re-enacting, with certain desirable amendments in wording, arrangement, and substance, the six Acts and parts of Acts in which the law relating to the Administrator General is now comprised. The following are the chief amendments here referred to:—

The Administrator General's authority under Act VIII of 1855, Section 11, extends to the estates of all 'British subjects' leaving assets within the Presidency; but as to persons not being Muhammadans, Hindús or 'British subjects,' he cannot interfere unless they leave assets within the local limits of the ordinary original civil jurisdiction of the High Court; the reason being that over the latter class the ecclesiastical jurisdiction of the late Supreme Courts did not extend unless there were assets within the local limits. The present Bill (Sections 16 and 34) proposes to extend the Administrator General's authority to the estates of all persons, not being Hindús, Muhammadans or Buddhists, who die leaving assets exceeding five hundred Rupees within the Presidency. His authority will thus be co-extensive with the jurisdiction conferred by the Succession Act on the District Courts.

Provision has been made (Section 29) for the grant of probate of wills in which the Administrator General shall be named as executor by virtue of his office; and Section 30 has been introduced to enable a legal representative to divest himself of his office and be re-placed by the Administrator General, if he will consent to act; this will meet the requirements of legal representatives who may be obliged to leave India before the completion of their duties, or who have found those duties irksome.

The Administrator General may now be sued in any District Court within the jurisdiction of which the deceased used to reside or may have entered into a contract, and the Administrator General cannot institute an administration suit, and thus stay the proceedings of the plaintiff. With a view to confining suits against the Administrator General to the High Courts, and of thus relieving the estates in his charge from the expense to which they are needlessly subject under the present system, the Bill provides (Section 33) that if any suit shall be brought against that Officer in any Court other than the High Court in the Presidency Town, the plaintiff shall be liable to pay the costs of the suit, and shall not be entitled to have the decree enforced, unless he has applied to the Administrator General, stating the amount of the claim and supporting it by such evidence as, under the circumstances of the case, the Administrator General was reasonably entitled to require.

The Bill proposes (Section 34) to empower the Administrator General to grant certificates in cases where letters of administration of the effects of the deceased have not been taken out for one month after his death. The restriction imposed by Act VIII of 1855, Section 43, of waiting three months after the death tends to destroy the benefit of the provision.

H. S. MAINE.

SIMLA,
The 22nd October 1866.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept., (Legislative).

ORDERS by the LIEUTENANT-GOVERNOR of BENGAL.

No. 2595.

APPOINTMENTS.

The 19th November 1866.—Baboo Doorgapersad Ghose to be a Judge of the Court of Small Causes at Jessore, and to exercise the powers of a Principal Sadder Ameen in that District.

The 21st November 1866.—Mr. V. Irwin, Assistant Magistrate and Collector, to have charge of the Sub-Division of Nurail, and to exercise the powers of a Magistrate and Deputy Collector in the District of Jessore.

The 22nd November 1866.—Captain G. B. Fisher to be a Municipal Commissioner for the Town of Comillah.

The 23rd November 1866.—Mr. H. W. Barbery, Deputy Magistrate and Deputy Collector, Nonkhally, is transferred to Chittagong, and vested with the powers of a Subordinate Magistrate of the First Class in the latter District.

Mr. F. Hill is appointed to the Third Grade of the Bengal Educational Service, and to be Professor of Civil Engineering in the Presidency College, with effect from the 11th ultimo.

Captain D. Macdonald, Revenue Surveyor, is vested with the powers of a Deputy Collector, under Regulation IX. of 1833, in the Province of Assam.

The 24th November 1866.—Captain W. Gordon to be Superintendent of Police on that portion of the East India Railway which lies within the jurisdiction of the Lieutenant-Governor of Bengal.

The 26th November 1866.—Baboo Umbica Churn Roy Chowdry, Deputy Magistrate and Deputy Collector of Bograh, is transferred to Rungpore, and vested with the powers of a Magistrate in the latter District.

Baboo Madhub Chunder Moitra, Deputy Magistrate and Deputy Collector of Rungpore, is transferred to Bograh, and vested with the powers of a Subordinate Magistrate of the First Class in the latter District.

The following gentlemen to be Visitors of the Lunatic Asylum at Cuttack, under Section 2, Act XXXVI. of 1858:—

Baboo Issen Chunder Banerjee.

„ Lukhinarain Chowdry.

In supersession of the orders of the 20th instant, notified in the *Calcutta Gazette* of the 21st idem, Mr. H. O. Wilson is appointed to be Medical Officer of Rajshahiye.

This cancels the appointment of Dr. C. M. Russell to Rajshahiye notified in the same *Gazette*. Dr. Russell will continue to be employed as Medical Officer of Gya until further orders.

Baboo Judoonath Bose, B. A., Deputy Magistrate and Deputy Collector, to officiate as Uncovenanted Assistant to the Commissioner of Patna, during the absence, on leave, of Baboo Heeralall Datt, or until further orders. This cancels his appointment to the Sub-Division of Bhuboonah, notified in the *Calcutta Gazette* of the 14th instant.

Mr. W. Heysham, Junior, to officiate as a Deputy Collector, under Regulation IX. of 1833, in Upper Assam, and to be employed under the Superintendent of Survey in demarcation operations.

The 27th November 1866.—Mr. W. Lloyd to be Vice-Chairman of the Municipal Commissioners of Darjeeling.

Mr. A. Knyvett to be an Assistant Superintendent of Police in Shahabad.

Mr. G. Toynbee, Assistant Magistrate and Collector, Moorshedabad, is transferred temporarily to Pooree, and vested with the powers of a Subordinate Magistrate of the Second Class in the latter District.

Mr. G. Smeaton, Assistant Magistrate and Collector, Jessore, is transferred temporarily to Cuttack, and vested with the powers of a Subordinate Magistrate of the First Class in the latter District.

Baboo Chunder Seekur Banerjee is appointed to officiate temporarily as a Deputy Magistrate, under Act XV. of 1843, and a Deputy Collector, under Regulation IX. of 1833, in the Cuttack Division, to be posted to Cuttack, and is vested with the powers of a Subordinate Magistrate of the Second Class in any or all the Districts of that Division.

Dr. J. Ewart to officiate as Principal of the Calcutta Medical College, and also Professor of Medicine in the College, and Ex-officio First Physician of the College Hospital, during the absence, on leave, of Dr. N. Chevers, or until further orders.

LEAVE OF ABSENCE.

The 21st November 1866.—Mr. A. C. Marshall, Assistant Superintendent of Police, 24-Pergunnahs, for four months, from the 20th September last, under paragraph 11 of the Uncovenanted Service Absentee Rules.

Baboo Heeralall Dutt, Uncovenanted Assistant to the Commissioner of Patna, for two months, under the orders of the Right Hon'ble the Secretary of State for India, dated 8th November 1865.

The 23rd November 1866.—In supersession of the orders of the 22nd ultimo, published in the *Calcutta Gazette* of the 24th idem, the Reverend A. B. Spry, Chaplain of St. John's Church, is allowed leave of absence for three months, on Medical Certificate, under Section 2 of the Furlough and Absentee Rules for Chaplains, from the date on which he may have availed himself of the leave.

The 26th November 1866.—Mr. G. E. Makgill, Officiating Joint-Magistrate and Deputy Collector of the 24-Pergunnahs, for four weeks, from the 9th ultimo, under Section 6 of the Covenanted Service Absentee Rules.

NOTIFICATIONS.

The 21st November 1866.—The leave of absence granted to Mr. W. Wright, Judge of the Small Cause Court of Cuttack, under orders of the 6th ultimo, is cancelled at his own request.

The 26th November 1866.—The leave granted to Lalla Faqueer Chand Lall, Deputy Magistrate and Deputy Collector of Bhubooh, under orders of the 12th instant, is cancelled at his own request.

Mr. B. B. Ford, Medical Officer of Balasore, having returned to duty on the 29th ultimo, the unexpired portion of the leave which was granted to him under orders of the 21st September last, and of which he availed himself on the 2nd idem, is cancelled.

NOTIFICATION.

The 14th November 1866.—The Lieutenant-Governor is pleased to extend the operation of Section 34 of Act V. of 1861, entitled "an Act for the Regulation of Police," to the undermentioned Towns:—

Sooree	...	In the District of Beerbhoom.
Bancoorah	...	In the District of Bancoorah.
Raneegunge	...	
Rugoonathpore	...	
Bishenpore	...	
Joypore	...	
Kutulpore	...	

NOTIFICATION.

The 19th November 1866.—The Lieutenant-Governor is pleased to extend the operation of Section 34 of Act V. of 1861, entitled "an Act for the Regulation of Police," to the Town of Howrah.

NOTIFICATION.

The 22nd November 1866.—The following Rules passed by His Honor the Lieutenant-Governor of Bengal, pursuant to the provisions of Section 6, Act XX. of 1865, for conducting the examination of applicants for admission as Pleaders or Mookhtears in the Mofussil Courts, subordinate to the High Court of Judicature at Fort William in Bengal, are published for general information:—

For the higher grade of Pleaders.

1. In order to facilitate the ascertainment of the qualifications of candidates for admission as Pleaders in the Courts abovementioned, the Lieutenant-Governor of Bengal will, from time to time, appoint Examiners, to be called Government Examiners of Pleaders. Such persons are hereinafter referred to by the words, the Government Examiners.

2. A local examination of candidates for the higher grade of Pleaders shall be held on the last Monday in January in each year.

3. The local examination of candidates for Pleaderships of the higher grade shall be held at the head-quarters of the Division before a Local Committee, consisting of the Judge who shall preside, the Magistrate, and the Principal Sudder Ameen at that place, with any other officer of Government whom the Lieutenant-Governor may think fit to appoint.

4. The examination shall be conducted in English.

5. There shall be an examination by written questions, and answers in writing thereto, and also a *visd voce* examination.

6. Previously to each examination the Government Examiners shall prepare written questions, of which there shall be three papers, one paper shall be upon Criminal Law and Procedure.

7. Each paper shall contain twelve questions. The number of marks to which a candidate shall be entitled for a full answer, shall be separately specified for each question by the Government Examiners at the time of preparing the questions.

8. The aggregate number of marks for full answers to the whole of the twelve questions shall be 160.

9. The full number of marks for the *visd voce* examination, in which candidates shall be asked at least four questions, shall be 50.

10. The written questions, and also the questions which shall be put upon the *visd voce* examination, shall be so framed as to test the knowledge of the candidates in the subjects mentioned in Clause 2, Section 6 of the Rules passed by the High Court, for the qualification, admission, and enrolment of Pleaders and Mookhtears in Mofussil Courts, and published in the *Calcutta Gazette* of the 9th of May 1866, and they shall be so prepared that a candidate may be enabled to pass by studying the Regulations, Enactments, and Text Books set opposite to the respective subjects in the said Clause. Where two or more Text Books are mentioned in the alternative, the questions shall be framed in such a manner that they can be answered by persons who have studied any one of such Text Books.

11. The written questions shall be sent by the Government Examiners to the Registrar of the High Court, who shall forward them to the President of the Local Committee of Examiners.

12. The number of marks, whether full or less than full, to which each candidate shall be entitled for his answers to the written questions, shall be determined by the Government Examiners. The number of marks to which each candidate shall be entitled for his answers on the *visd voce* examination shall be determined by the Local Committee.

13. To be entitled to pass as a Pleader of the higher grade, a candidate must obtain not less than 100 marks in each of the three written papers, and not less than 30 marks in the *visd voce* examination.

14. A candidate who shall obtain not less than 80 marks in each of the written papers, and not less than 20 marks in the *visd voce* examination, shall be qualified as a Pleader of the lower grade.

15. After the local examination shall have been concluded, the Committee shall forward to the Government Examiners, through the Registrar of the High Court, the answers of the several candidates to the written questions, together with a certificate, signed by the President of the Local Committee, of the number of marks awarded to each candidate in the *visd voce* examination; whereupon the Government Examiners shall proceed to examine the answers to the written questions and determine to what number of marks each candidate is entitled for such answers, and declare as to each candidate whether, according to the rules above laid down, he has or has not passed the examination; provided that the Local Committee shall not forward to the Government Examiners the written answers of any candidate who shall fail to obtain 20 marks in the *visd voce* examination.

16. As soon as the examination shall have been concluded, the Government Examiners shall submit a report of their proceedings to the Registrar of the High Court, who shall transmit the same to the Government.

17. The names of the successful candidates shall be published in the *Government Gazette*.

Examinations for the lower grade of Pleaders.

18. An examination shall be held once in each year, at each Zillah Station, on the last Monday in January.

19. The examination shall be conducted in English, or in the Vernacular of the District, at the option of the candidate.

20. The examination shall be held by the Zillah Judge, assisted, if he think fit, by any subordinate Judge whom he may call in.

21. Previously to each examination the Government Examiners shall prepare two written papers of questions, of which one shall be on Criminal Law and Procedure, and one on Civil Law and Procedure, and shall forward them to the Zillah Judge.

22. There shall also be a *visd voce* examination conducted by the Judge, assisted as abovementioned, if he think fit to call in assistance.

23. There shall be twelve questions in each paper. The number of marks to which a candidate shall be entitled for a full answer to each question shall be separately specified by the Government Examiners at the time of preparing the questions.

24. The aggregate number of marks for full answers to the whole of the twelve questions shall be 160.

25. The full number of marks for the *visd voce* examination, in which candidates shall be asked at least four questions, shall be 50.

26. The written questions, and also the questions upon the *visd voce* examination, shall be so framed as to test the knowledge of the candidates in the subjects mentioned in Rule 18 of the Rules passed by the High Court, for the qualification, admission, and enrolment of Pleaders and Mookhtears in Mofussil Courts abovementioned, and they shall be so prepared that a candidate may be enabled to pass by studying the Regulations, Enactments, and Text Books set opposite to the respective subjects in the said Section.

27. To be entitled to pass, a candidate must obtain 100 marks at least in each of the written papers, and 30 marks in the *visd voce* examination.

28. The number of marks, whether full or less than full, to which each candidate shall be entitled for his answers, as well to the written questions as upon the *visd voce* examination, shall be determined by the Judge with such assistance as abovementioned, if called in; and the Judge shall thereupon declare as to each candidate whether he has or has not passed the examination, and report the result to the Registrar of the High Court, who shall transmit the same to the Government.

29. The names of the successful candidates shall be published in the *Calcutta Gazette*.

EXAMINATION OF MOOKHTEARS.

30. The examination of Mookhtears, under Section 34 of the abovementioned rules passed by the High Court, shall be held by the Zillah Judge in every District. Candidates for admission as Mookhtears in Districts where there is no resident Judge will be examined by the Judge of the Zillah to which the Magistracy is subordinate.

31. The examination shall be held once in each year, on the second Monday in February, and shall be by questions in writing and *visd voce*.

32. The examination shall be conducted in English, or in the Vernacular of the District, at the option of the candidate.

33. Previously to each examination the Government Examiners shall prepare two written papers of questions, of which one shall be on Criminal Law and Procedure, and one on Civil Law and Procedure, and shall forward them to the Judge.

34. There shall also be a *visd voce* examination.

35. There shall be six questions in each paper. The number of marks to which a candidate shall be entitled for a full answer to each question shall be separately specified by the Government Examiners at the time of preparing the questions.

36. The aggregate number of marks for full answers to the whole of the six questions shall be 160.

37. The full number of marks for the *visà voce* examination, in which candidates shall be asked at least four questions, shall be 50.

38. The written questions, and also the questions upon the *visà voce* examination, shall be so framed as to test the knowledge of the candidates in the subjects mentioned in Rule 34 of the aforesaid Rules.

39. To be entitled to pass a candidate must obtain 100 marks at least in the written paper, and 30 in the *visà voce* examination.

40. The number of marks, whether full or less than full, to which each candidate shall be entitled for his answers, as well to the written questions as upon the *visà voce* examination, shall be determined by the Judge, who shall thereupon declare as to each candidate whether he has or has not passed the examination, and report the result to the Registrar of the High Court, who shall transmit the same to the Government.

41. The names of the successful candidates shall be published in the *Calcutta Gazette*.

DECLARATION UNDER SECTION 2 OF ACT VI. OF 1857.

The 23rd November 1866.

Whereas it appears to the Hon'ble the Lieutenant-Governor of Bengal that land is required to be taken by Government at the public expense, for a public purpose, *viz.*, for the site of a public necessary, it is hereby declared that, for the above purpose, the plot of ground mentioned below, and measuring three cottahs, more or less, in the Roy Saheb's Bazar, in the city of Dacca, is required:—

BOUNDARIES.

North, Saman Baparie's house; East, a tank; South, the Roy Saheb's Bazar's Khall; West, Saman Baparie's land.

THE FOLLOWING FOUR DECLARATIONS ARE MADE UNDER SECTION 2 OF ACT VI. OF 1857.

The 26th November 1866.

Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken up at the public expense, for a public purpose, *viz.*, for the building of the Post Office of Dowlutgunge, in the District of Nuddea, it is hereby notified that a piece of land, 0b., 5c., 0ch. in extent, situated in Mouzah Dowlutgunge, Pergunnah Mattearee, bounded on the East by Koosh Chunder Bokhal's land; North by Mango Garden of late Sagor San, and South by public road, is required for the said purpose.

This Declaration is made, under the provisions of Act VI. of 1857, to all whom it may concern.

Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken by Government at the public expense, for a public purpose, *viz.*, for the use of the Post Office at Jhenidah, Pergunnah-Mohamedshahye, in Zillah

Jessore, it is hereby declared that the following plot of land in that District is required for the above purpose:—

A plot of land in village Jhenidah, area 8½ cottahs, bounded North by Jhenidah Sub-Divisional Compound; South by Police Station; East by Huro Nath Roy's land, and West by Meerjan Noskhan land.

This Declaration is made, under the provisions of Act VI. of 1857, to all whom it may concern.

Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken up at the public expense, for a public purpose, *viz.*, for the building of the Post Office of Chooadangah, in the District of Nuddea, it is hereby notified that a piece of land, 0b., 5c., 0ch. in extent, situated in Mouzah Chooadangah, Pergunnah Shahooajial, bounded on the North and West by Kooshum Bebee's land; East by Satkorree Mullick's land, and South by Ferry Fund Road, is required for the said purpose.

This Declaration is made, under the provisions of Act VI. of 1857, to all whom it may concern.

Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken up at the public expense, for a public purpose, *viz.*, for the building of the Post Office of Ramnugger, in the District of Nuddea, it is hereby notified that a piece of land, 0b., 5c., 0ch. in extent, situated in Mouzah Ramnugger, Pergunnah Mohamedshahye, bounded on the West by Station building of the Railway Company; North, East, and South by lands of several husbandmen, is required for the said purpose.

This Declaration is made, under the provisions of Act VI. of 1857, to all whom it may concern.

The following Orders issued by the Government of India, in the Home Department, are re-published for general information:—

No. 506.—*Fort William, the 15th November 1866.*—*Notifications.*—The following Notice published by the Government of Ceylon is re-published for general information:—

NOTICE

Is hereby given that on and after the 1st day of February next, 1867, a white Dioptric fixed light of the second order will be exhibited from sunset to sunrise on the Clock Tower, standing in the centre of the Fort. The light will illuminate an arc seaward of 230 degrees which will include the bench to the northward and southward of the Port, and its focal plane will be elevated 134 feet above the level of the sea making the light visible from a ship's deck 18 miles.

(Sd.) JAMES DONNARD,
Master Attendant.

MASTER ATTENDANT'S OFFICE,
Colombo, the 6th September 1866. }

No. 624.—*The 23rd November 1866.*—The Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William, Mr. H. Hankey, of the Civil Service, who returned from furlough on the 11th instant.

The following Order issued by the Government of India, in the Foreign Department, is re-published for general information :—

No. 1146.—*Camp Agra, the 15th November 1866.*—The following Treaty of Peace, Friendship, and Commerce, concluded between Her Majesty and the Queen of Madagascar, is published for general information :—

**TREATY OF PEACE, FRIENDSHIP, AND COMMERCE
BETWEEN HER MAJESTY AND THE QUEEN OF
MADAGASCAR.**

*Signed, in the English and Malagasy Languages, at
Antananarivo, June 27th, 1865.*

[Ratifications exchanged at Antananarivo, July 5th, 1866.]

HER MAJESTY THE QUEEN of the United Kingdom of Great Britain and Ireland, and Her Majesty Rasohery Manjaka, Queen of Madagascar, being desirous of concluding a Treaty of Peace and Friendship, and to regulate thereby the commercial intercourse between their respective subjects and dominions, the following Articles have for that purpose been mutually agreed upon and signed between Thomas Conolly Pakenham, Esquire, Her Britannic Majesty's Consul in Madagascar, duly authorized to that effect on the part of Her Britannic Majesty, and by His Excellency Rainimaharavo, Sixteenth Honor, Chief Secretary of State; Andriantsitohaina, Sixteenth Honor; Ravabatra, Chief Judge; and Rafaralahibemalo, Head of the Civilian, duly authorized to that effect on the part of Her Majesty the Queen of Madagascar :—

ARTICLE I.

Peace, friendship, and good understanding shall from henceforward and for ever subsist between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and Her Majesty the Queen of Madagascar, and between their respective heirs, successors, and subjects.

ARTICLE II.

The subjects of Her Britannic Majesty shall have full liberty to enter into, rent or lease houses or lands in, trade with, and pass with their merchandize through, all parts of the dominions of Her Majesty the Queen of Madagascar which are under the control of a Governor duly appointed by the Malagasy authorities, except Ambohimanga, Ambohimambola, and Amparafavato; and they shall enjoy therein all the privileges and advantages with regard to commerce, or with regard to any other matter whatsoever, which are now or may hereafter be granted to or allowed to be enjoyed by the subjects or citizens of the most favored nation; and the subjects of Her Majesty the Queen of Madagascar shall, in like manner, be at liberty to enter into, rent or lease houses or land in, trade with, and pass with their merchandize through all parts of Her Britannic Majesty's dominions, as freely as the subjects of the most favored nation, and they shall enjoy, in those dominions, all the privileges and advantages with regard to commerce, or with regard to any other matter whatever, which are now or may hereafter be granted to or allowed to be enjoyed by the subjects or citizens of the most favored nation.

ARTICLE III.

British subjects in the dominions of Her Majesty the Queen of Madagascar shall be allowed freely to exercise and teach the Christian religion, and to erect and maintain suitable places of worship.

Such places of worship, with their lands and appurtenances, shall however be recognized as the property of the Queen of Madagascar, who shall permit them to be applied for ever to the special purposes for which they shall have been built. They shall, in the profession, exercise, and teaching of their religion, receive the protection of the Queen and her Officers, and shall not be persecuted or interfered with.

Her Majesty the Queen of Madagascar, from her friendship for Her Britannic Majesty, promises to grant full religious liberty to all her subjects, and not to persecute or molest any subjects or natives of Madagascar on account of their embracing or exercising the Christian religion. But should any of her subjects professing Christianity be found guilty of any criminal offence, the action of the law of the land shall not be interfered with.

ARTICLE IV.

The Queen of Madagascar engages to receive a British Agent at her Capital; and Her Britannic Majesty, in like manner, engages to receive at the Mauritius, or at London, an Agent of the Queen of Madagascar.

Each Contracting Party may appoint Consuls for the protection of trade to reside in the dominions of the other.

Such Agents and Consuls shall enjoy, in the respective dominions, the same rights and privileges which are or may be there granted to Agents of the same rank of the most favored nation.

ARTICLE V.

British subjects shall be permitted, as fully as the subjects or citizens of the most favored nation, in any lawful manner to purchase, rent, or lease land, houses, warehouses, and all other kinds of property within all parts of the dominions of Her Majesty the Queen of Madagascar which are under the control of a Governor duly appointed by the Malagasy authorities. They shall be at liberty to build on land purchased, rented, or leased by them, houses of any material they please, except of stone or clay at the capital of Madagascar, and other towns where such buildings are forbidden by the laws of the country; and Her Majesty the Queen of Madagascar engages that British subjects shall, as far as lies in her power, equally with her own subjects, enjoy within her dominions, full and complete protection and security for themselves and for any property which they may so acquire in future, or which they may have acquired already before the date of the present Treaty.

British subjects may freely engage in their service, in any capacity whatever, any native of Madagascar not a slave or a soldier, who may be free from any previous engagements. Leases, contracts of sale or purchase of houses or lands in Madagascar, and engagements of labourers, may be executed by deeds signed before the British Consul and the local authorities. All such engagements however, are liable to be determined by mutual consent, should the services of persons so engaged be required by the Queen, or on their own application, after due notice.

No domiciliary visits shall be made to the establishments, houses, or properties possessed or occupied by British subjects unless by the consent of the occupants, or in concert with the British Consul.

In the absence, however, of any Consul or Officer, the local authorities may exercise the same

due notice to the occupants, whenever it is certainly known that stolen property or persons escaping from justice are concealed on the premises.

No British subjects residing in Madagascar shall have the right of entering the house of any subject of the Queen of Madagascar against the will of the occupant.

ARTICLE VI.

Munitions of war shall be imported by the Queen of Madagascar alone into her dominions; but save the said munitions of war, no article whatever shall be prohibited from being imported into the territories of Her Majesty the Queen of Madagascar; nor shall any article whatever be prohibited from being exported therefrom, except munitions of war, and the following articles which are forbidden by the law of Madagascar to be exported, namely, timber and cows.

The trade between the dominions of Her Britannic Majesty and the dominions of Her Majesty the Queen of Madagascar shall be perfectly free, subject to a duty not exceeding ten per cent.

A Tariff of such duties shall be drawn up by the British Consul and by a person or persons commissioned by Her Majesty the Queen of Madagascar, and shall be submitted for the approval of Her Britannic Majesty.

Such Tariff shall be drawn up and published within one year after the exchange of the ratifications of the present Treaty.

In case any article of produce or merchandize should be inadvertently omitted from such Tariff, the duty levied on such article shall be calculated at the market value of the merchandize at the period at which the Tariff was framed.

No prohibition shall apply to any article imported or exported by British subjects or vessels, unless the prohibition apply equally to the subjects and vessels of every other foreign nation.

ARTICLE VII.

Her Majesty the Queen of Madagascar agrees that no duty exceeding ten per cent. shall be levied on the exportation from Her Majesty's dominions of any article, the growth, produce, or manufacture of those dominions.

ARTICLE VIII.

No duties of tonnage, harbour, pilotage, light-house, quarantine, or other local dues, shall be imposed in the ports of the dominions of either country upon the vessels of the other country, from whatever place arriving, or whatever may be their place of destination, which shall not equally be imposed in the like cases on national vessels, or on vessels of the most favored nation.

ARTICLE IX.

Her Majesty the Queen of Madagascar engages to permit the ships of war of Her Britannic Majesty freely to enter into the military ports, rivers, and creeks situated within her dominions, and to allow such ships to provide themselves, at a fair and moderate price, with such supplies, stores, and provisions as they may from time to time stand in need of.

No subject of the Queen of Madagascar shall be permitted to embark on board any British ship, except such as shall have received a passport from the Malagasy authorities.

The rights of Sovereignty shall in all cases be respected in the dominions of the one Sovereign by the subjects of the other.

ARTICLE X.

If any vessels under the British flag should be wrecked on the coast of the dominions of the Queen of Madagascar, which are under the control of a Governor duly appointed by the Malagasy authorities, Her Majesty engages to give them all the assistance in her power, and to secure them from plunder, as well as to recover for and to deliver over to the owners thereof all the property which can be saved from such vessels. Her Majesty further engages to do all in her power to extend to the officers and crew, and to all other persons on board such wrecked vessels, full protection both as to their persons and as to their property.

ARTICLE XI.

Her Majesty the Queen of Madagascar agrees that in all cases where a British subject shall be accused of any crime committed in any part of her dominions, the person so accused shall be exclusively tried and adjudged by the British Consul or other officer duly appointed for that purpose by Her Britannic Majesty. But any British subject whom the British Consul or other officer shall find to have been guilty of having openly offended against the laws of Madagascar shall be liable to be banished from the country.

In all cases where disputes or differences shall arise within the dominions of the Queen of Madagascar between British subjects and the subjects of Her Majesty the Queen of Madagascar, Her Britannic Majesty's Consul or other duly appointed officer, aided by an officer duly authorized by Her Majesty the Queen of Madagascar, shall have power to hear and decide the same.

The Malagasy authorities shall not interfere in differences or disputes between British subjects, or between British subjects and the subjects or citizens of any third Power.

The British authorities shall not interfere in differences or disputes between Malagasy subjects and the subjects or citizens of any third Power in Madagascar.

ARTICLE XII.

If a subject of the Queen of Madagascar should refuse or evade the payment of a debt due to a British subject, the local authorities shall afford every assistance and facility to the creditor for recovering the debt; and in like manner, the British Consul shall afford every assistance to subjects of the Queen of Madagascar to recover debts due to them by British subjects.

ARTICLE XIII.

The local authorities of Madagascar shall have no right to interfere with British vessels of commerce, which are subject only to the British authority and to their Captains; but no British vessel shall communicate with the shore before receiving pratique from the local authorities. In the absence, however, of a British ship of war, the Malagasy authorities, if requested by the British Consul or Consular Agent, shall afford assistance in order to cause his authority to be respected by his own countrymen, and to re-establish and maintain discipline among the crews of British merchant-vessels.

If any British seamen should desert from their ships, the local authorities shall use every effort to apprehend them, and shall deliver them up to the British Consul or to the Captain of their ship.

ARTICLE XIV.

The Malagasy authorities shall do all in their power to deliver up property of a British subject who may die in Madagascar to his heirs or repre-

sentatives, or, in their absence, to the British Consul.

The property of a subject of the Queen of Madagascar who may die in the British dominion shall be treated in the same manner as the property of a British subject.

ARTICLE XV.

If any British merchant-vessel should be attacked or plundered in the waters of Madagascar, adjacent to any military station whatever, the local authorities, as soon as informed of the fact, shall institute active pursuit after the offenders, and shall omit no effort to discover and punish them.

The goods which may have been carried off, wherever and in whatever state they may be found, shall be delivered to the owner, or to the Consul, who will undertake to restore them.

The same course shall be followed in the case of plunder or robbery committed on the property of British subjects residing in the neighbourhood of any military station, whether on the shores or in the interior of Madagascar.

The local authorities, on proving that they have used every effort to apprehend the offenders and to recover the goods stolen, shall not be pecuniarily responsible for the loss.

The same protection shall be granted in favor of the property of subjects of the Queen of Madagascar plundered or robbed on the coasts or in the interior of the British dominions.

ARTICLE XVI.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and Her Majesty the Queen of Madagascar hereby engage to use every means in their power for the suppression of piracy within the seas, straits, and rivers subject to their respective control or influence; and Her Majesty the Queen of Madagascar engages not to grant either asylum or protection to any persons or vessels engaged in piratical pursuits; and in no case will she permit ships, slaves, or merchandize captured by pirates to be introduced into her dominions, or to be exposed therein for sale. And Her Majesty the Queen of Madagascar concedes to Her Britannic Majesty the right of investing her officers and other duly constituted authorities with the power of entering at all times, with her vessels of war, or other vessels duly empowered, the ports, rivers, and creeks within the dominions of Her Majesty the Queen of Madagascar, in order to capture all vessels engaged in piracy, and to seize and to reserve for the judgment of the proper authorities all persons offending against the two Contracting Powers in this respect.

ARTICLE XVII.

Her Britannic Majesty and Her Majesty the Queen of Madagascar being greatly desirous of effecting the total abolition of the trade in slaves, Her Majesty the Queen of Madagascar engages to do all in her power to prevent all such Traffic on the part of her subjects, and to prohibit all persons residing within her dominions, or subject to her, from countenancing or taking any share in such trade. No persons from beyond sea shall be landed, purchased, or sold as slaves in any part of Madagascar. And Her Majesty the Queen of Madagascar consents that British cruisers shall have the right of searching any Malagash or Arab vessels suspected of being engaged in the Slave Trade, whether under sail or at anchor in the waters of Madagascar. Her Majesty the

Queen of Madagascar further consents that if any such vessels shall prove to be engaged in the Slave Trade, such vessels and their crews shall be dealt with by the cruisers of Her Britannic Majesty as if such person and their vessels had been engaged in a piratical undertaking.

ARTICLE XVIII.

Her Majesty the Queen of Madagascar engages to abolish trial by the ordeal of poison.

If there should be war between Great Britain and Madagascar (which God forbid), any prisoners who may be taken by either party shall be kindly treated, and shall be set free, either by exchange during the war, or without exchange when peace is made, and such prisoners shall not on any account be made slaves or put to death.

ARTICLE XIX.

The present Treaty shall be ratified by Her Britannic Majesty and by Her Majesty the Queen of Madagascar, and the ratifications shall be exchanged at London or Antananarivo, within the space of six months from this date.

But if, at any future time, it shall seem desirable, in the interests of the subjects of either of the two Contracting Parties, to alter or to add to the present Treaty, such alterations or additions shall be effected with the consent of both parties.

Signed and sealed in duplicate originals, with a Malagasy translation to each, at Antananarivo, this twenty-seventh day of June, in the year 1865.

(L. S.) T. C. PAKENHAM,
H. M.'s Consul for
Madagascar.

RAINIMAHARAVO,
Chief Secy. of State,
16 Vtra.

ANDRIANTSITORAINA,
16 Vtra.

RAVAHATRA,
Lehibeny And'v.
RAPARALAHIBEMALO,
Leholona lehibe.



The following Notification received from the Government of St. Helena is published for general information:—

ST. HELENA

GOVERNMENT

NOTIFICATION.

Information having reached this Government that erroneous impressions exist in several Ports in India, China, and elsewhere, to the effect that charges on Shipping calling at St. Helena have been increased,—

NOTICE IS HEREBY GIVEN

that there is no foundation for such reports, and that all Port charges at St. Helena have been ABOLISHED, save and except the Penny per Ton heretofore charged for the gratuitous Medical Treatment and maintenance of sick Seamen (British and Foreign) left behind at the Colonial Hospital.

NOTICE IS FURTHER GIVEN

that a monthly Mail is made up at the General Post Office in London direct for St. Helena, usually performing the passage in twenty-two days. Return Mails from St. Helena to England, by steam are likewise made up in every month, and once a month to the Cape of Good Hope and all Ports Eastward thereof.

Owners, Consignees, Masters of Vessels and others interested are informed that every facility will be afforded at the Post Office at St. Helena for the due care and transmission of their letters.

By Command,
R. C. PENNELL,
Colonial Secretary.

ST. HELENA,
The 18th April 1866. }

The following Orders issued by the Government of India, in the Home Department, are re-published for general information :—

No. 3753.—The 17th August 1866.—The following Notification published by the Government of Bombay, regarding the Lighthouse at Rutuagherry, is re-published for general information :—

The following Notice, descriptive of the Light, Position, &c., of the Lighthouse at Rutuagherry, is published for general information. To admit of ample notice being given before the Light is brought into use, it will not be put into operation before the 1st January 1867 :—

1.—The Lighthouse at Rutuagherry is a short column raised in the South Bastion of an old Fort built in a very Bluff headland rising 300 feet above the Sea. The Light, on the Dioptric principle of the 3rd Order and Red in color, will be visible from a vessel's deck, in clear weather at a distance of at least 18 miles.

2.—The Lighthouse is in Latitude 16° 59' 0" North, and Longitude 73° 16' 47" East of Greenwich, or 0° 27' 39" East of Bombay Lighthouse.

3.—There are three anchoring grounds,—the outer anchorage for sailing vessels, the outer anchorage for steamers, and the inner anchorage for steamers during the fair season only.

4.—Vessels anchoring at the outer roadstead should do so in 8 fathoms of water at a distance of a little over a mile from the Lighthouse, and with the following bearings :—

Lighthouse, N. 59° 04' E. or N. E. by E. $\frac{1}{4}$ E.

Adawlut Building,* N. 81° 33' E. or E. $\frac{1}{4}$ N.

White Tomb near the beach to the South of the Creek, N. 104° 04' E. E. by S. $\frac{1}{4}$ S.

5.—Steam vessels making the port at the beginning or close of the South-West Monsoon should anchor in 6½ fathoms with the Lighthouse bearing due North, and the Adawlut Building bearing E. N. E.

6.—The inner anchorage is only available for steamers during the fair season: vessels should anchor in not less than 4 fathoms with the Lighthouse bearing N. W. $\frac{1}{4}$ N., and the Adawlut E. by N. $\frac{1}{4}$ N.; that position will place them at a distance of about 1,200 yards from the landing place, and 700 yards from the edge of a ridge of rocks running out from the beach in front of the Custom House.

7.—The Port of Rutuagherry does not afford the least shelter for vessels during the South-West Monsoon; but a vessel in distress would in a measure be sheltered by anchoring in 5 fathoms after rounding the North Point of Meria Donghur—a Hill 3 miles to the North of the Lighthouse.

8.—The Bay between Meria Donghur and the Lighthouse Hill does not afford any shelter, but on the contrary is open to the full force of the monsoon.

J. M. MACDONALD, Major,
Acting Secy. to Govt.

BOMBAY CASTLE,
The 24th July 1866. }

No. 3947.—The 24th August 1866.—The following Despatch from the Right Hon'ble the Secretary of State, No. 24, dated the 9th July, and its enclosure, are published for general information :—

MARINE. INDIA OFFICE;
No. 24. London, the 9th July 1866.

To His EXCELLENCY THE RIGHT HON'BLE THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

SIR,—I TRANSMIT herewith copies of three Notices to Mariners issued by the Spanish Government, relative to the "da la Nina", in the Indian Ocean, and forwarded to this Office by Her Majesty's Secretary of State for Foreign Affairs, together with copies of translations of the respective Notices.

I have, &c.,
(Sd.) CRENSHAW.

A very large house, on the Hill bordering the Creek to the

NOTICE TO MARINERS.

No. 63.

HYDROGRAPHICAL DEPARTMENT.

Sea of Mindoro.

Eastern Coast of the Island of Balabac.

Lighthouse of the Port of Prince Alfonso in the Bay of Calandoray.

The following information is published in amplification of the Notice No. 23 of 26th April 1865 :—

At the southern point of the Port of Prince Alfonso in 8° 1' 0" N. latitude, and 123° 13' 30" E. longitude, on the Hill called Admiral Gil, there is a square white Tower with a red base, which is situated to the East of a white house with a red roof, which serves as a dwelling for the keepers. The said Tower carries an hexagonal lantern with a helmet-shaped top, painted red as well as the lantern. This contains a catadioptrical apparatus of the Fifth Order 81m. 732 above the level of the Sea: there burns a white fixed light, which, in the ordinary state of the atmosphere, reaches to a distance of ten miles.

The said light bears S. 56° W. from the midway of the Channel formed by the Islands of Candamayan and Nasobata; N. 22° W. from the midway of the Channel formed by the Islands Nasobata and Cameron; N. 59° W. from the midway of the Channel formed by the Islands Cameron and Loombocan; and N. 33° W. from the midway of the Channel formed by the Island Loombocan, and the S. E. Coast of Balabac.

The arc of illumination comprises an extent of 140° from the Strait or Channel North of Balabac to the farthest visible point of the Southern Coast of this Island, and passes at 4 miles S. E. of Nasobata, at 1 mile E. of Cameron, and at 3 miles N. W. of Loombocan.

Vessels coming from W. by the Channel North of the Island, called the Good Channel, on coming out of it will describe the lighthouse to the S. 30° W. at a distance of 7 miles. Those which come from the N. E. will cut the arc of illumination in so far as they have the Island of Bijan bearing North, that of Candamayan West, and that of Nasobata S. 40° W., this last at 5 miles distance.

To those which stand in by the E. (which is not prudent on account of the bank which there is between Nasobata and Cameron) on entering the arc of illumination, Nasobata ought to bear N. 60° W. and Cameron S. 25° W., this last at a distance of 4 miles.

Those which come by S. E. guided by buoys on the N. part of the Island Loombocan will enter the arc of illumination as they have the Island of Cameron bearing N. 22° E., and that of Loombocan S. 20° E., both at the distance of 3 miles.

Those who stand in by the S. will find themselves within the illuminated sector when they are 5 miles W. of Loombocan, and go coasting along the Island of Balabac at a distance of 2 to 3 miles.

The bearings are correct.

MADRID, } (Sd.) SALVADOR MORENO.
The 12th Sept. 1865. }

NOTICE TO MARINERS.

No. 90.

HYDROGRAPHICAL DEPARTMENT.

China Sea.

Western Coast of the Island of Luzon.

Masingloc Shoal.

It appears from a Despatch sent by the Commander of the Corvette *Narvaez*, to the Commander-in-Chief of the Station at the Philippines, dated 8th September 1865, that having left Manila on the 5th of the same month for the Masingloc or Scarborough Shoal, for the purpose of saving the English bark *Eliza Bonhe*, which was said to be aground thereon, he came in sight of the Shoal at 9 in the morning of the 7th, and approached it within a short distance, although the said bark did not appear. He was thus enabled to note a summit or head of rock about 2 metres high, against which the sea broke from the S. W., and to distinguish on the N. E. point of the Shoal other smaller ones, also of rock or coral, from two to three feet out of water.

At mid-day the chart was pricked at 15° 11' N. latitude, and 128° 54' 4" longitude E. of San Fernando (117° 41' 48" E. of Greenwich) by the meridian altitude and the chronometer; and the shoal bearing to the W. at 3 miles distance, from which it is to be inferred that its eastern

part or edge is in the English charts 14 miles farther E. than the position given by the chronometers regulated at Manila before and after the expedition.

It is known from the same Despatch that the mate and some of the crew of the lost bark went on board the *Narvaes*, and that the charts referred to are English; but as the author of them is not mentioned, it is not possible to say whether they are from the Admiralty, or by some private person.

With respect to the charts of this Department, the difference which appears in the situation of the Shoal is almost identical, and to express it with greater clearness the great rock comes near about $123^{\circ} 51'$ E. longitude, according to the abovementioned chronometrical observations.

MADRID, } (Sd.) SALVADOR MORENO.
The 27th Dec. 1865. }

NOTICE TO MARINERS.

No. 18.

HYDROGRAPHICAL DEPARTMENT.

Indian Ocean.

Reef of the *Niña* on

Lieutenant D. Coriaeo Pateroy Martin, Commander of the hooker *Niña*, has sent a Despatch, dated 4th January 1866, to the Commander-in-Chief of the Philippines, from which the following is an extract:—

"On the 28th September 1865, at 7-40 in the morning, when sailing E. S. E. with a fresh wind from S. $\frac{1}{2}$ S. W. and sea tending from S. W., breakers were descried ahead on the larboard tack, for which reason I gave orders, after observing them well, to bear away to avoid them, and made course to N. E. $\frac{1}{2}$ E. At 9 hours 30 minutes circumstances being favorable for the determination of the horary, various altitudes of the sun were taken with confidence. At that time the said breakers bore N. 60° E. and at an estimated distance of 7 miles, they could be quite clearly distinguished from the cross of the main- yard, and appeared to be caused by a reef of rock about 2 miles in extent from N. to S., which is not marked on the charts."

"At 9 hours 45 minutes the said danger was out of sight, and I went on my track hauling on the starboard tack; but at mid-day, with the altitudes of the sun, observed at 8 hours 30 minutes in the morning, and the meridional which was also to be depended on, I placed it in $35^{\circ} 41' 0''$ S. latitude, and $45^{\circ} 42' 37''$ E. longitude."

As the *Niña* did not take soundings, nor does it appear that she observed the breakers at a short distance, and on the other hand the charts show different Shoals, doubtful, or of uncertain position, in those places, this Department confines itself for the present to warning Mariners to be on the alert when they cruise in the waters of the locality which the Commander of the hooker assigns to the supposed reef.

MADRID, } (Sd.) SALVADOR MORENO.
The 15th March 1866. }

No. 4759.—The 21st September 1866.—The following "Notice to Mariners" is published for general information:—

NOTICE TO MARINERS.

Penang Harbour.

The following revised Notice regarding the position of the Beacon No. 3, placed on the outer end of the small spit projecting from the eastern side of the Syrang Sand in the South Channel is published for general information.

The Beacon being on the western side of the Channel is painted red with a triangular head:—

Bearings:

Centre of Pulo Jerajah, S. 23° W.
Ditto Pulo Khra (Large Island), S. 28° E.
Martajam Hill, E.
Fort Point, N. 3° W.
Flag Staff on Government Hill, N. 54° W.
No. 3 Beacon, N. 22° W., about 500 yards distant.

By Order,

(Sd.) M. PROTHEROE, Lieut.,
Depy. Secy. to Govt., Straits Settlement,
with the Governor.

A. EDEN,

Secy. to the Govt. of Bengal.

Public Works Department, Bengal.

AGRICULTURAL.

No. 253.

The 18th October 1866.

The following draft Rules having reference to the Kendrapara Canal and the First Section of the "High Level Canal" from Cuttack to Oolobarriah, are hereby published under the provisions of Section XL of the "Canals' Act, 1864," (No. V., B. L. C.):—

I. Every vessel on entering either of the above Canals shall be liable to measurement for the purpose of ascertaining the amount of toll the vessel should pay, according to the schedule of rates authorized by Government to be charged on the Canal.

II. The tonnage of every vessel, whether laden or empty, shall, for the purposes of the "Canals' Act, 1864," and of these Rules, be determined by the following measurements:—

(a.) The product of half the length of the vessel from stem to stern measured along the water line, multiplied by the interior greatest breadth of the vessel, multiplied by the depth from the water line to the bottom of the vessel, is to be taken as the number of maunds upon which toll shall be levied.

(b.) The measurement of the length is to be made in feet, rejecting inches, and the measurement of the breadth and depth in feet and quarters of feet, rejecting portions of less than a quarter of a foot.

(c.) In calculating the amount of toll to be levied on vessels exceeding 100 maunds tonnage, any fraction of 100 maunds less than 25 maunds is to be omitted; exceeding 25 and not exceeding 50 maunds, is to be charged as 25 maunds only; exceeding 50 and not exceeding 75 maunds to be charged as 50 maunds only; and exceeding 75 maunds, as 75 maunds only. Above one thousand maunds no fraction of 100 maunds tonnage is to be charged. Toll will be charged on vessels under 100 maunds tonnage on the actual measurements of the vessels, omitting fractions of tens of maunds.

III. Every vessel entering either of the above Canals shall be furnished with a ticket on paying the prescribed toll. The ticket shall specify the station at which it has been issued, the name of the person in charge of the vessel, the date the vessel entered the Canal, the point to which it may proceed in the Canal, the maundage of the vessel, the amount of toll charged, and the number of days for which the vessel may remain in the Canal, and the date of such last day. The number of days which the vessel may remain in the Canal without additional payment, shall be calculated at the rate of one day for every 8 miles, for portion of 8 miles, to be traversed.

IV. Toll may be paid at the first station either for the entire number of Toll Stations on the line of navigation, or for any less number of stations.

V. The tickets thus given may be demanded for inspection by any duly authorized Canal Officer, and must be kept on board and at hand for that purpose. They must be shewn at each

Toll Station the vessel has to pass, as a passport that no further payment of toll is to be demanded. The tickets shall be delivered up at the last Toll Station.

VI. Owners of vessels may compound by the payment of a fixed sum, for the use of the whole or a portion of either of the above Canals for any period that may be agreed upon, not exceeding one year. Each vessel so compounded for shall be furnished with a ticket shewing the amount of toll paid, the period for which the toll has been compounded for, and the limits of the Canal within which the vessel may pass; such ticket shall be kept on board the vessel and shall be produced when required under Rule V., but shall be given up only on the date of the expiry of the period for which granted, and at the station from whence issued.

VII. Duplicates of lost tickets, of which the numbers and the dates of entry can be satisfactorily established will be granted by Officers in charge of Toll Stations on payment of a fee of one Rupee.

VIII. Vessels remaining in the Canals for a period exceeding that allowed under Rule III. will pay a demurrage of eight annas per 100 maunds per diem for each day or part of a day that they may remain in excess.

IX. No boats above 18 feet beam over all, and no rafts or floats of more than 10 feet width and 150 in length, will be allowed to enter the Canals.

X. It will not be compulsory for the locks to be opened to single vessels of less than 500 maunds burden, except in the case of mail or despatch boats; but the locks shall be opened for the passage of boats at least twice a day.

XI. Vessels must have their masts fitted so that they can be let down with ease and speed, and when under sail, vessels must always keep in the middle of the Canal; when being tracked, vessels are, as far as practicable, to keep to their port or left side of the Canals.

XII. All vessels anchoring at night are to keep to their port or left bank of the Canals.

XIII. Only one vessel shall be allowed to make fast along and in a line with the Canal banks, and no vessel shall be made fast, or be placed outside of vessels so secured, without the permission of a Canal Officer. No vessel shall, however, be placed in such a position as to endanger the safety of other vessels, to obstruct their passage, or to impede the navigation; and no bamboos or poles shall be allowed to be erected on vessels when at anchor. Any infringement of this rule will be punishable by a fine not exceeding Rupees 5 for each offence.

XIV. Every vessel when put to shall be securely fastened, and shall at all times have some person in attendance on board of it. Any infringement of this rule will be punishable by a fine not exceeding Rupees 5 for each offence.

XV. In every case of wreck or obstruction of the channel by sunken vessels, the Canal Officers may call upon the person in charge of the vessel to remove the same without delay, and shall give every reasonable assistance towards so doing. But should the owner of the vessel or raft be not

forthcoming, or should he not use reasonable expedition in removing the obstruction, or should he decline or fail to use proper assistance which may be offered to him by the Canal Officers, these Officers may undertake the removal of the obstruction themselves at the cost of the owner of the boat, recovering the expense in the manner laid down in Section IX. of the "Canals' Act, 1864."

XVI. If the Canal Officers be unable to ascertain the name and place of business or of abode of the owner of the cargo of any vessel or boat seized under the Canals' Act, he shall notify the seizure in the most public manner available.

XVII. In the event of any damage or injury being occasioned to the Canal works by wilfulness or negligence on the part of any person in charge of a vessel, the Canal Officers may detain the vessel within the Canal for a period not exceeding 24 hours, provided that within that period the Canal Officers shall lodge a complaint against such person in charge of the vessel before a Magistrate under Section XVI. of the Canals' Act.

XVIII. The banks or berms of the Canals shall not be used as wharves for the deposit of goods, under a penalty of 10 Rupees for each offence; but except in special cases, when the permission of the Canal Officers will be necessary, all articles shall be removed to the outer banks of the Canals, and all such articles as shall not be finally removed from within the boundaries of the Canals within a period of six days after being so deposited, shall be liable to a charge of four annas per 100 maunds.

XIX. The Canals may be closed once a year, for effecting the necessary repairs to them, on one month's notice of the intention so to close them; but in the event of any sudden emergency, the Canals may be closed at any time without prior notice, and no claim shall be made in such case by owners of vessels or others for compensation on account of detention.

XX. All offences against the provisions of these Rules shall be punishable as provided for in Section XVIII. of the "Canals' Act, 1864," and all fines imposed may be recovered in the manner mentioned in Section XVII. of the same Act.

XXI. The term "Canal Officers" in the foregoing Rules shall include the persons alluded to in Section VIII. of the "Canals' Act, 1864," and any other persons who may be specially appointed to exercise such powers by the person appointed to collect the tolls.

COMMUNICATIONS.—LOCAL.

No. 291.

The 20th November 1863.

Notification.—The following Rules having reference to the undermentioned navigable channel in the district of Dacca, viz:—The line of channel connecting the Booreezunga with the Paloo River near Teerimony have been passed this day by the Lieutenant-Governor of Bengal under the provi-

sions of Sections XI. and XII of "the Canals' Act," (No. V., 1864, B. L. C.) :—

1. Every vessel on entering the above navigable channel shall be liable to measurement by the Officer in charge of the Toll Station, for the purpose of ascertaining the amount of toll to be levied.

2. The tonnage of every vessel, whether laden or empty, shall, for the purposes of the *Canals' Act* and of these Rules, be determined by the following measurements :—

(a.) The product of half the length of the vessel from the stem to stern measured along the water line, multiplied by the interior greatest breadth of the vessel, multiplied by the depth from the water line to the bottom of the vessel, is to be taken as the number of maunds on which toll shall be levied.

(b.) The measurement of the length is to be made in feet, rejecting inches. The measurement of the breadth and depth is to be made in feet and quarters of feet, rejecting portions of less than a quarter of a foot.

(c.) In calculating the amount of toll to be levied, any fraction of 100 maunds less than 50 maunds is to be omitted ; and a fraction exceeding 50 maunds is to be charged as 50 maunds only.

3. No raft will be admitted into the channel in excess of fifty feet in length or five feet in breadth. No timber, bamboos or grass will be admitted, except securely and compactly packed in the form of a raft.

4. Every vessel entering the channel shall, on paying the prescribed toll, be furnished with a ticket. The ticket will specify the date of entry, the maundage of the vessel, and the amount of toll paid, and must be produced whenever asked for by the Supervisor, or those duly authorized by him to do so. Payment at one Toll Station shall clear the vessel of the other Station, at which the ticket must be given up to the Toll Collector.

5. No vessels whatever, except such as are employed on works connected with the maintenance or improvement of the line of channel in question shall be exempted from paying toll.

6. Every vessel or raft which has paid toll shall be allowed three days to pass through the channel, the days of entering and leaving being both included ; and any vessel or raft remaining in any part of the channel longer than the period above fixed shall, for each day in excess of such period, be charged demurrage equal to one-half of the toll paid. Every vessel or raft remaining in the channel more than one month, without authority from the Supervisor, shall be subject to be summarily removed.

7. Any person infringing any of the above rules, or wilfully interfering in their enforcement, shall be liable, under Section XI. of the *Canals' Act*, to a fine not exceeding fifty Rupees for any one offence.

ESTABLISHMENTS.

No. 295.

The 20th November 1866.

Appointment.—Mr. T. B. Stoney, Local Assistant Engineer, Third Grade, on probation, attached to the Nuddea (Local Road) Division, is permanently appointed Assistant Engineer, Second Grade, from the 23rd August 1866, the date on which he passed the prescribed examination.

No 296.

The 21st November 1866.

Resignation.—Mr. E. L. Cantwell, Overseer, Second Grade, attached to the Second Division, Grand Trunk Road, resigned his appointment, with the permission of Government, from the 24th September 1866.

No. 297.

The 23rd November 1866.

Leave of Absence.—Baboo Romes Chunder Ghose, Overseer, Second Grade, attached to the Second Division, Grand Trunk Road, for two months, on medical certificate, under Sections 11 and 20, Rule I. of the Uncovenanted Service Absentee Regulations.

LOCAL.—COMMUNICATIONS.

No. 298.

The 27th November 1866.

Notification.—It is hereby notified, under Section VI. of "the Canals' Act, 1864," (No. V., B. L. C.,) that the Lieutenant-Governor of Bengal has authorized the establishment on the navigable channels, in the Backergunge District, brought under the operations of the above Act by Notification of this Department, No. 213, dated 27th August 1866, of two additional Toll Stations, *viz.*, one on the River Cowkally and the other in Srikal Done.

2. Tolls shall be levied at these two Stations, from and after the 1st January next, at the following rates :—

Description of Vessels.	Rates of Toll.	
	Rs.	As. P.
On all Boats or Vessels, whether laden or empty { Per 100 Mds. } { tonnage ... }	0	2 0
Rafts of Timber, Bamboos or Grass, not exceeding fifty feet in length and five feet in width { Per raft ... }	0	4 0

J. E. T. NICOLLS, *Lieut.-Col., R. E.,*
Offg. Secy. to the Govt. of Bengal,
P. W. D.

Pub. Works, (Railway.) Dept.—Bengal.

Fort William, the 26th November 1866.

DECLARATION UNDER ACT VI. OF 1857.

Notification.—Whereas it appears to the Lieutenant-Governor of Bengal, that land is required to be taken up at the public expense, for a public purpose, *viz.*, for spoil Bank and Tank for Railway, Chooudangah Station, in the District of Nuddea, it is hereby notified that a piece of land, *bgs.* 19.9.4 in extent, situated in Monzah Chobadangah, Pergunnah Thahaojeeah, bounded on the North by Jhenidah Feeder Road ; South by the Road from Sub-Divisional Cutcherry to Railway Station ; East by Railway line, and West by the lands of Modeehundeen Jeardar, Foyzolla Mullick, Nozeeboollah Mullick, Hakeem Biswas, Kinoo Mundle, and others, is required for the said purpose.

This Declaration is made under Section 2 of Act VI. of 1857.

By Order of the Lieutenant-Governor of Bengal,

F. S. TAYLOR, *Capt., R. E.,*
Joint-Secy. to Govt. of Bengal.

No. 1436C.
Notification.

BOARD OF REVENUE.
Fort William, the 1st October 1866.

NOTICE is hereby given that the Provision Opium to be brought forward for sale by public auction in the year 1867 will consist of 24,000 Chests

Behar.	Chests.	24,000 Chests
Reserve of 1864-65 ... 761		of Behar and
Supply from 1865-66 ... 23,239	24,000	Opium of the
		two seasons
Benares.		1864-65 and
Reserve of 1864-65 ... 7,018		1865-66 in
Supply from 1865-66 ... 16,982	24,000	the propor-
Total ...	48,000	tions margin-

ally noted.

The Opium forming the Reserve of 1864-65 will be first put up for sale, and afterwards the provision of 1865-66, that is to say, of Behar Opium the sale of January will consist of 761 Chests of 1864-65, and 1,239 Chests of 1865-66, and of Benares Opium the sales of January, February, and March will each consist of 2,000 Chests of 1864-65, and the sale of April will consist of 1,018 Chests of 1864-65 and 982 Chests of 1865-66. The remaining provision of 1865-66 will be disposed of in like quantities at the subsequent sales. Thus there will be put up at each sale 2,000 Chests of Behar and 2,000 Chests of Benares.

The sales will be held on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so:—

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Wednesday, 9th Jan. 1867.	2,000	2,000	4,000
On or about Thursday, 7th Feb. "	2,000	2,000	4,000
On or about Monday, 11th Mar. "	2,000	2,000	4,000
On or about Wednesday, 10th April "	2,000	2,000	4,000
On or about Thursday, 9th May "	2,000	2,000	4,000
On or about Monday, 10th June "	2,000	2,000	4,000
On or about Wednesday, 10th July "	2,000	2,000	4,000
On or about Friday, 9th Aug. "	2,000	2,000	4,000
On or about Monday, 9th Sept. "	2,000	2,000	4,000
On or about Wednesday, 9th Oct. "	2,000	2,000	4,000
On or about Thursday, 7th Nov. "	2,000	2,000	4,000
On or about Friday, 6th Dec. "	2,000	2,000	4,000
Total ...	24,000	24,000	48,000

The following are the Conditions of Sale:—

1st.—The Opium will be sold for exportation by sea only, and no certificate will be granted except to cover such export.

2nd.—The Opium will be ordinarily offered for sale at an upset price of Rupees 800 per Chest, and sold to the highest bidder above that price, except under the circumstances for which provision is made by Clause 12 of these Conditions of Sale.

3rd.—The sale shall commence at the hour of 11 A. M. of the day fixed by previous notification, and shall not be continued after the hour of 5 P. M., but if at that hour any of the lots advertised for sale shall remain unsold, the sale may, at the discretion of the Board of Revenue, be resumed on the next day following (not being Sunday or a Public Holiday) at the hour of 11 A. M., and so on until the whole of the remaining lots are disposed of, or if the whole quantity advertised shall not be sold on the day appointed the Board may dispose of the lots which remain on hand at a future sale.

4th.—Each lot shall contain five Chests.

5th.—A Promissory Note for a sum calculated

	Deposit.	according to the scale noted in the margin shall be taken as a deposit on each lot from the purchaser in the
When the amount bid is less than Rs. 1,200 per Chest	Rs. 200 p. Chest.	
On bids of Rs. 1,200 but less than Rs. 1,600 per Chest	" 300 "	
On bids of Rs. 1,600 but less than Rs. 2,000 per Chest	" 400 "	
And so on, Rs. 100 being added to the deposit for every additional Rs. 400 bid.		

Sale room, and the lot is registered in the Sale Book, and all such Promissory Notes shall be redeemed on the part of the purchasers at this Office by Bank of Bengal receipts, or by substitution of other Public Securities of the Bengal Government, on or before 4 o'clock in the afternoon of the fifth day after the sale, or, on the other hand, failing such redemption by the time aforesaid, then the lot or lots for which no Bank of Bengal receipts or deposit of other Public Securities as aforesaid shall have been delivered in, shall be re-sold at such time or times and under such conditions of re-sale as the Board of Revenue shall see fit, and all losses and expenses whatsoever attending such re-sale shall be borne and paid by the defaulters, whilst any profit accruing from such re-sale shall be forfeited to Government.

6th.—The Promissory Notes taken on the day of sale under the last-mentioned Condition, if remaining unredeemed at 4 o'clock of the fifth day following the day of sale, will be placed in the hands of the Solicitor to the Government for realization in such manner as to him shall seem fit.

7th.—No tender of money, Bank of Bengal receipts, or Public Securities, on account of Opium upon which the prescribed deposit may not have been made before 4 o'clock of the fifth day following the day of sale, will be afterwards accepted.

8th.—The Opium now advertized for sale shall be paid for within fifteen clear days from the day of sale, and in case any lots of such Opium shall not be so paid for and adjusted, then the cash deposit made under the fifth Condition, or any Public Securities that may have been deposited on account of such lots or chests shall be forfeited, and the Opium shall be disposed of on account of Government at such time and in such manner as the Board of Revenue shall think fit; and the first purchaser shall further be required to make good any loss or difference of price between that obtained at the re-sale and the amount at which the Opium was first purchased, forfeiting all advantages that may arise from such re-sale.

9th.—Purchasers taking out certificates or orders for the delivery of Opium after making full payment as above prescribed shall have the option of naming the number of lots of their purchase which they may desire to be included in each certificate or order, and it is to be clearly understood that the certificates or orders so taken out shall be considered final, and not afterwards changeable for other certificates or orders authorizing the delivery of single lots or of a different number of lots or chests, whether more or less than the number of lots or chests originally required to be included in each certificate or order.

10th.—No deposit of Public Securities under the fifth of the present Conditions will be received in this Office, except from the party recorded as the purchaser in the Sale Book, or his authorized Agent. The receipt for deposit of Public Securities will be granted only in the name of such purchaser, and the securities so deposited will be returned when

payment in full has been made by the said purchaser or his order.

11th.—The Officer superintending the sale on the part of the Board of Revenue is empowered to reject at his discretion the bid of any individual, unless such individual shall, on demand, tender at the time a deposit either in Government of India Notes, Bank of Bengal receipts, or Government Securities, a sum equal to the amount for which a Promissory Note would otherwise be taken under the fifth of these Conditions.

12th.—With a view to prevent fictitious biddings designed to obstruct the sale, it is hereby notified that the Officer of Government superintending the sale shall be competent at any time during the sale to withdraw any unsold lot and immediately to put it up again for sale at a maximum upset price, diminishing the same gradually until a bid is obtained, and the first *bona fide* bidder for a lot, after it has been offered for sale in the mode here described, shall be held and declared to be the purchaser of the said lot; and the Officer of Government superintending the sale shall also be competent to dispose in the same manner of as many of the subsequent lots as he may think proper; provided always that no lot shall be sold below the minimum price of Rupees 800 specified in the second of these Conditions.

13th.—The purchaser of any lot shall have the option of naming and purchasing in immediate succession at the same price, and under the same Conditions, any number of lots of the same Agency Opium not exceeding altogether twenty-five lots; provided always that there remain a sufficient number of lots of the Opium to complete the said twenty-five.

14th.—In the event of any dispute or difference touching or concerning any matter or question arising out of the sale of the Opium included in this notification or adjustment of the account thereof, the same shall and may be tried and decided in the High Court of Judicature at Fort William in Bengal.

15th.—The following papers will be exhibited for inspection on the day of sale, or may be seen previously to that date by application at the Office of the Junior Secretary to the Board of Revenue.

No. 1.—Certificate of the Opium advertized for sale.

No. 2.—Report of the examination of such Opium.

16th.—The Public are hereby informed that in providing the investment of the Behar and Benares Opium for the year 1865-66, the same precautions have been taken as those which have been observed during past years to have the drug procured and sent down in a pure state; to have only the prescribed quantity of leaves used in forming the cakes, and to have the due proportion of Opium put into each cake. An account of the weight of the drug when packed at Behar and Benares, and a statement of the average weight of the Chests indiscriminately taken for the purpose of comparison from the despatches on arrival at Calcutta may be seen on application at the Office of the Junior Secretary to the Board of Revenue.

17th.—Any further information respecting weight or quality of the Opium advertized for sale that may be desired by parties connected with the trade will, as heretofore, be furnished to them on application at the Office of the Board of Revenue, but, in accordance with established usage, under no circumstances will the Board entertain or

recognize any claim to compensation for loss from an alleged deficiency of weight, abstraction of Opium, or adulteration of the drug which may be preferred on reference to Chests after the sale and delivery of the Opium for shipment.

18th.—It is hereby further notified that, under the 6th Article of the Convention between Great Britain and France, dated the 7th March 1815, quoted below, the Agents in India of the French Government, or persons duly appointed by them, are entitled to demand that, out of the quantities of Behar and Benares Opium declared as above for sale at the twelve sales of the year 1867, there shall be delivered to them at the average of the particular sale or sales to which the Opium so applied for may belong, a quantity not exceeding in the aggregate 300 Chests, and the Agents of the French Government must make requisition specifying the quantity of Opium required by them at any particular sale within thirty days from the advertisement of such intended sale; provided, however, that the Agents of the French Government may make such requisition for the whole quantity within thirty days from the publication of this notification.

* Behar	... 24,000
Benares	... 24,000
	48,000

If the Agents of the French Government shall not make the requisition for Opium within the time above mentioned, the entire quantity of about 48,000* Chests of Behar and Benares, as above estimated, will be brought to sale in the usual manner, and if they shall make application for a quantity of Opium to be delivered to them out of the quantity advertised for sale at each or any of the twelve sales above-mentioned, but shall not pay for it within the prescribed period of payment, the Government of Bengal reserves to itself the right of disposing of the Opium which the French Authorities may so fail to pay for, either by increasing the quantity reserved at the sale next ensuing the date of payment, or by selling it at a sale to be held expressly for the purpose.

Article of the Convention above referred to.

Article 6th.—“With regard to the trade in Opium, it is agreed between the high contracting parties that at each of the periodical sale of that article there shall be reserved for the French Government, and delivered upon requisition duly made by the Agents of His Most Christian Majesty, or by the persons duly appointed by them, the number of Chests so applied for, provided that such supply shall not exceed three hundred Chests in each year, and the price for the same shall be determined by the average rate at which Opium shall have been sold at every such periodical sale, it being understood that if the quantity of Opium applied for at any one time shall not be taken on account of the French Government by the Agents of His Most Christian Majesty within the usual period of delivery, the quantity so applied for shall nevertheless be considered as so much in reduction of the three hundred Chests hereinbefore mentioned. The requisitions for Opium as aforesaid are to be addressed to the Governor General at Calcutta within thirty days after notice of the intended sales shall have been published in the Government Gazette.

By Order of the Board of Revenue,

R. L. MANGLES,

Offg. Junior Secretary.

PORT WILLIAM,
The 1st October 1866.

No. 1651.

Opium Notification.

NOTICE is hereby given that the Twelfth Sale of Opium, the provision of 1864-65, will be held at the Exchange Hall, on Wednesday, the 5th December 1866, at 11 A. M., and will comprize 3,370 Chests, *viz.* :—

Behar Opium	...	...	2,000
Benares „	...	...	1,370

Total Chests ... 3,370

2. The general Conditions of the Sale now advertised will be the same as usual: they may be ascertained by reference to the Notification issued on the 26th October 1865, and published in the *Government and Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest date for deposit and clearance will be the 10th and 20th December, respectively, that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the Sale-room will be received after 4 M. P. of Monday, the 10th December 1866, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P. M. of Thursday, the 20th December 1866.

By Order of the Board of Revenue, L. P.,

R. L. MANGLES,

Offg. Junior Secretary.

FORT WILLIAM,
The 2nd November 1866. }

Notice.

A NEW Edition of the Map of DISTRICT NUDDEA, shewing Village boundaries, Scale 1 Mile=1 Inch, in 8 Sections, with a small Index, is now ready for issue.

Applications for the Maps, *bond fide* on the Public Service, to be addressed to the Registrar, Surveyor-General's Office, Calcutta.

For private use, on payment, the Map can be obtained from all Booksellers, and the "School Book Society," Calcutta, at the following rates:—

Uncolored and Unmounted.	{	On <i>thick paper</i> , the Map complete				
		in 8 Sections with Index	Rs.	8	0	0
	{	Or each Section separate	Rs.	2	0	0
		On <i>thin paper</i> , the Map complete				
	{	in 8 Sections with Index	Rs.	6	0	0
		Or each Section separate	Rs.	1	8	0

N. B.—Parties requiring the Map, Colored and Mounted, must pay extra for the same.

J. E. GASTRELL, *Lieut.-Col.*,
Offg. Depy. Surveyor-General of India.

Now Published.

THE Quarterly Civil List for the Lower Provinces of Bengal, corrected up to 1st October 1866.

No. 1.—NEW SERIES.

TO BE HAD AT THE BENGAL OFFICE.

Price Rs. 3 per copy.

SALT FOR EXPORTATION.

STATEMENT showing the Quantity of Salt in Store available for Exportation on private trade at each of the several Ports of Export in the undermentioned Districts:—

Name of District.	Ports at which Salt is generally available for Export on private trade.	Quantity remaining in Store actually available for Export on 16th October 1866.	REMARKS.
		Indian Mds	
Godavery	Cocanada	1,12,600	
Kistna	Nizampatam	39,766-20	Boats available at all times.
Nellore	Iskapalli	1,47,922	Boats easily obtainable.
	Varini	1,52,192	
Madras	Madras	2,10,276	
	Ennore	1,95,317	
	Covelong	1,47,804	
South Arcot	Markanum	31,800	
Tanjore	Vedarniem	53,380	
Total		10,98,147-20	

N. B.—Salt for export will be supplied by Government at the rate of 15 Rupees per 100 Indian Maunds, which includes charges of shipment, except at the Port of Madras, where the Salt will be delivered on the Beach.

R. A. DALYELL,
Sub-Secretary.

REVENUE BOARD OFFICE: }
Madras,
The 2nd November 1866. }

PUBLISHED for general information.

By Order of the Board of Revenue,

R. L. MANGLES,
Offg. Junior Secretary.

FORT WILLIAM,
The 21st November 1866. }

Ecclesiastical.

REVEREND FRANCIS CROMBIE, M. A., of Trinity College, Cambridge, Minister in this Diocese, has been appointed a Surrogate in this Diocese for granting Episcopal Licences of Marriage.

W. H. ABBOTT,
Registrar and Secretary.

CALCUTTA,
The 26th November 1866. }

[2064]

RETAIL PRICES OF FOOD AS REPORTED TO THE BOARD OF REVENUE, L. P.,
DURING THE WEEK ENDING THE 24TH NOVEMBER 1866.

Number of Seers of 80 Tolahs weight retailed for a Rupee.

AT	Date of Return from each District.	CLEANED RICE IN ORDINARY USE.			PULSES IN ORDINARY USE.			WHEAT.		ATTAR.		JANERA, JOWAR AND SUCH GRAINS.	
		Dearest sort.	Cheapest sort.		Dearest sort.	Cheapest sort.		Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.
			Ordinary price at this Season.	Present price.		Ordinary price at this Season.	Present price.						

Districts in which the prices are same or nearly the same.

Kamroop	17th Nov. 1866	9	15	13	12	20	13	16	8	8	4	...	...
Luckimpore	5th "	5	19	8	5	6	6	8	7	4	3	...	...
Mymensing	18th "	11	20	13	6	16	7	16	8	9	6	...	...
24- Pergunnahs	19th "	7½	13	9	5	20	13½	13	10	8	6½	...	...
Dinapore	18th "	11½	18	14	8½	17	10	23	8½	10	6½	...	...
Bootan Doars—Mynagooree	14th "	8	16	8	4	8	4	...	...	5	4	...	...

Districts in which all or most articles are dearer.

Durrung	12th Nov. 1866	8	32	12	6½	20	11	13	8	8	5	...	...
Seehaugor	12th "	8	18	16	4	10	9	20	9	8	3	...	...
Tipperah	18th "	10	45	18	8	40	12	20	8	12	4	...	...
Hazareebaugh	12th "	6	14	15	8	18	14	12	7	10½	6	27	10½
Sylhet	9th "	7½	50	10½	7½	50	12	14	8	13	6½	...	...

Districts in which all or most articles are cheaper.

Gowalparah	10th Nov. 1866	9	16	13	9½	12½	11	28	8½	7½	5½	...	...
Nowgong	12th "	6	32	9	6	8	8	15	13	8½	4	...	...
Bhaugulpore	18th "	11½	16½	12½	8½	17½	11½	10½	11½	12½	8½	41½	25½
Darjeeling	19th "	5	8	8	4	8	8	...	...	4	4	20	14
Deoghur	18th "	10	33	13	7	30	8	23	10	16	8½	40	22
Nya-Doomka	17th "	...	16	20	...	12	8	...	...	10	8	20	25
Rajmahal	19th "	10	30	13	8	17	9	20	9	18	8	36	22
Haucoorah	17th "	6½	15½	17½	9½	16½	11½	6½	9½	7½	7½	20	5
Hooghly	19th "	6½	13½	16	9½	16	10½	11	9½	7½	7½	10½	10½
Midnapore	10th "	8	16	22	11	16	12	9½	8	7½	6½	...	...
Buldoah	19th "	9	23	13	5	20	10	...	...	5	4	...	...
Cuttack	19th "	12	32	14½	7	24	9½	32	8	22	5½	...	13
Poorce	16th "	7½	28½	9½	...	23½	6½	15½	6½	11½	4½	...	13½
Backergunge	11th "	9	20	14	7	20	12	10	7½	8	5	...	...
Cachar	12th "	...	16	17	8	16	6½	10	7½	6	5	...	...
Dacca	19th "	9	26	15	10	15	11	9	8	6	5½	...	...
Calcutta	26th "	8	14	10	9	20	14½	14	10½	8	6½	...	...
Jessore	19th "	5½	17	11½	10½	32	...	21	8	10½	5½	...	...
Nuddea	19th "	8½	30	12½	9½	32	16	16	9½	10½	5½	...	...
Soonderbuns	12th "	14	22	16	15	32	17	...	...	...	...	...	...
Gya	19th "	13	27	14½	10	18	11	20	14	23	11	50	19½
Chumparun	17th "	7½	24	19	7½	24	6½	28	10½	28	8	58	24
Patna	12th "	10½	13	13	10	11½	12	11½	12	10	10	15½	29½
Baran	17th "	7½	20	15	11	21	13	26	13	19	10½	31	24½
Bograh	19th "	9	30	13½	6	27½	8½	15	11	8	6	60	22½
Maldah	19th "	16	17	18	13½	22	15	16	11½	11	8½	...	...
Moorsheadabad	18th "	16	20½	18½	8½	28	12½	16½	10½	11	7½	22	14½
Pubna	18th "	10½	24	16	7	32	11	19½	9	9½	6	...	...
Rajshahye	18th "	8½	16½	12	6	21	10	11½	10½	8	6½	...	...

Districts in which some articles are dearer and some cheaper.

Cossyah and Jynteah Hills	12th Nov. 1866	6	14	8	4	...	5	...	...	...	3	...	...
Monghyr	19th "	12½	17½	15	8	23	10	10½	12	14½	10	31	30
Pakour	18th "	14	28	18	13	30	16	18	10	12	8	60	22
Beerbhoom	19th "	10	26½	14	6	24	9½	21	8	15	6	68	18
Burdwan	19th "	9½	14½	12½	9½	15	13½	11½	10½	7	6½	...	...
Lohardugga	17th "	10	32	20	5½	20	14	24	5½	10	4	...	...
Binghboom	12th "	8	32	20	8	24	8	16	4	12	3½	...	...
Balasore	19th "	7	30	18	6½	18	10	16	7	10	6	...	...
Furzedpore	19th "	7	20	15	16	26	13	16	9	...	...	...	...
Rungpore	19th "	8	20	13½	5	20	10	16	13½	8	5	...	...

PUBLISHED for general information.

By Order of the Board of Revenue, L. P.,

PORT WILLIAM,
The 27th November 1866. }

T. BRUCE LANE,
Secretary.

Notice.

BABOO GOONABHEERAM BOROOAH, Extra Assistant Commissioner, has been placed in temporary charge of the Treasury at Nowgong, during the absence of LIEUTENANT MICHELL, Assistant Commissioner, on leave, to attend the Half-yearly Examination at Gowhatty.

HENRY HOPKINSON,
Commissioner of Assam.

SHILLONG,
The 6th November 1866. }

Notice.

MR. P. T. CARNEGIE, Extra Assistant Commissioner, has been placed in charge of the Treasury of Kamroop District, and is authorized to draw Bills on other Public Treasuries.

HENRY HOPKINSON,
Commissioner of Assam.

SHILLONG,
The 10th November 1866. }

Notification.

DEPUTY COLLECTOR BABOO KANTI CHUNDER CHATTERJEE has been placed in charge of the Bancoorah Treasury, and is authorized to draw Bills on all other public Treasuries.

R. P. JENKINS,
Offg. Commissioner.

COMM'R.'s OFFICE;
Burdwan,
The 15th November 1866. }

Notice.

MR. TOYNBEE, Assistant Collector, has been placed in charge of the Moorshedabad Treasury, and authorized to draw Bills on other Treasuries.

C. H. CAMPBELL,
Commr. of the Rajshahye Divn.

The 19th November 1866.

Notification.

BABOO TARINI CHURN MITTER, Deputy Collector, has been placed in charge of the Rajshahye Treasury, and authorized to draw Bills on other Treasuries.

C. H. CAMPBELL,
Commissioner.

The 20th November 1866.

Notification.

DEPUTY COLLECTOR, BABOO PROTA PNARAIN SINGH, has resumed charge of the Burdwan Treasury, and is authorized to draw Bills on other public Treasuries.

R. P. JENKINS,
Offg. Commissioner.

COMMISSIONER'S OFFICE;
Burdwan,
The 26th November 1866. }

Notification.

THE Chota Nagpore Annual Fair for 1867, to be held at Chootea, near Ranchee, in Chota Nagpore, will commence on the 19th February 1867, and last for a fortnight.

E. T. DALTON, *Lieut.-Col.,*
Commr. of Chota Nagpore.

CHOTA NAGPORE,
The 8th November 1866. }

To be Sold.

To the highest bidder, at the Court of the Principal Sudder Ameen of Zillah Cuttack, on Monday, the 10th day of December 1866, at the hour of 12 o'clock noon, the Rights and Interests of the Defendant, Rajah Pudonabh Deb, of Killah Aul, in the said Killah of Aul, in satisfaction of certain Decrees held by Peary Deyee, Plaintiff, and execution of which has been taken out against him.

The Killah in question is a fixed Tributary Estate, the permanent Jumma of which is Rupees 28,139-2-7 per annum.

Twenty-five (25) per cent. on the amount bid will be required to be paid in at the time of purchase, and the balance within a fortnight from the date of sale.

W. WRIGHT,
P. S. Ameen.

CUTTACK;
P. S. Ameen's Court,
The 19th November 1866. }

Notice.

Is hereby given that the Lot No. 33 of the unreserved building sites, situated at the Civil Station of Shillong, in the Cossyah and Jynteah Hills, containing about 2½ acres of first class land, as shewn in the plan thereof, having been applied for under the rules sanctioned in the Bengal Government Circular No. 3826 of the 18th November 1865, will be put up to sale by auction to the highest bidder at the upset price of Rupees 50 per acre, at the Office of the Deputy Commissioner of Cossyah and Jynteah Hills, Shillong, on the 7th day of December 1866.

The manner and condition of the Sale can be ascertained by intending purchasers by application to the undersigned.

W. C. CLARKE,
Offg. Deputy Commissioner,
Cossyah and Jynteah Hills.

DEPUTY COMM'R.'s OFFICE;
Shillong,
The 30th October 1866. }

Nuddea Rivers.

Report shewing the least depth in the present Navigable Channels from the 8th to 14th November 1866.

NAMES OF RIVERS.	Least Depth of Water.	REMARKS.
MATABANGAH.	Ft. In.	
Above Entrance in Ganges ...	Closed.	
On the Entrance shoal ...		
Thence to Hât Bouleah, 44 miles ...		
Hât Bouleah to Alickdeah ...		
Alickdeah to Kissengunge, 38 miles ...	5 0	
Kissengunge to Hooghly River, 34 miles ...	8 0	
BHAUGIRUTTEE.		
Entrance Bar ...	5 6	
Below the Entrance	14 0	
Thence to Jeagunge ...	4 0	
Jeagunge to Cutwa, 60 miles ...	5 0	
Cutwa to Nuddea, 46 miles ...	5 9	

Height on Gauge at Berhampore, on the 19th November 1866, + 5 feet 7 inches above Zero.
A fall of 1 foot 1 inch since 13th instant.

G. W. VIVIAN, C. E.,
Offg. Exe. Engr., Berhampore Divn.
BERHAMPORE,
The 19th November 1866. }

Wanted.

A SUPERINTENDENT in the Revenue Court of the Deputy Commissioner of Sibsagar, Assam. Salary, Rupees 150 per mensem.

H. SCONCE,
Depy. Commr.

DEPY. COMM'R.'S OFFICE, }
The 20th September 1866. }

Wanted.

A SUPERINTENDENT for the Civil and Criminal Courts of the Deputy Commissioner of Sibsagar, Assam. Salary, Rupees 150 a month.

H. SCONCE,
Depy. Commr.

DEPY. COMM'R.'S OFFICE, }
The 20th September 1866. }

Nuddea Rivers.

Report shewing the least depth in the present Navigable Channels from the 15th to 21st November 1866.

NAMES OF RIVERS.	Least Depth of Water.	REMARKS.
MATABANGAH.	Ft. In.	
Above Entrance in Ganges ...	Closed.	
On the Entrance Shoal ...		
Thence to Hât Bouleah, 44 miles ...		
Hât Bouleah to Alickdeah ...		
Alickdeah to Kissengunge, 38 miles ...	3 0	
Kissengunge to Hooghly River, 34 miles ...	6 0	
BHAUGIRUTTEE.		
Entrance Bar ...	5 6	
Below the Entrance	10 6	
Thence to Jeagunge ...	4 6	
Jeagunge to Cutwa, 60 miles ...	4 0	
Cutwa to Nuddea, 46 miles ...	5 0	

Height on Gauge at Berhampore on the 24th November 1866, + 4 feet 10½ inches above zero.
A fall of 8½ inches since 20th instant.

G. W. VIVIAN, C. E.,
Offg. Exe. Engr., Berhampore Divn.
BERHAMPORE,
The 24th November 1866. }

Notice.

BABOO JUGGOMOHUN ROY, Deputy Collector, has been put in charge of the Balasore Treasury, and authorized to draw Bills on other Treasuries from the 30th October 1866.

J. H. RAVENSHAW,
Offg. Commissioner.

COMM'R.'S OFFICE; }
Cuttack Division, }
The 3rd November 1866. }

Notice.

BABOO JUDONATH BOSE, B. A., Deputy Collector, has been placed in charge of the Chumparun Treasury, and authorized to draw Bills in other Treasuries from the 1st instant.

J. W. DALRYMPLE,
Commissioner.

PATNA COMM'R.'S OFFICE,
The 5th November 1866.

Notice.

MR. Deputy Collector H. DOVETON has been placed in charge of the Tirhoot Treasury, and authorized to draw Bills on other Treasuries.

J. W. DALRYMPLE,
Commissioner.

PATNA COMM'R.'S OFFICE,
The 7th November 1866.

Notice.

THE Cachar Mela will, as usual, be held at Silebar, commencing on Sunday, the 30th December 1866, corresponding with 16th Poush 1273, and continuing for as many days as considered necessary.

JOHN WARE EDGAR,
Officiating Deputy Commissioner.

CACHAR;
Depy. Commr.'s Office,
The 28th September 1866.

Notice.

THE Singhbhoom Annual Fair will be held at Chyebassa during the last fortnight in December 1866.

W. H. HAYES,
Deputy Commissioner of Singhbhoom.

CHYEBASSA,
The 10th October 1866.

No. 42.

Commissariat Notice.

THE Assistant Commissary General invites sealed Tenders for the supply of—

- | | | |
|----------------------------------|-----|--|
| 1. Cattle Gear | ... | } For one year,
from 1st February 1867. |
| 2. Barrack Bedding | .. | |
| 3. Hospital Clothing and Bedding | ... | |
| 4. Rice, Table, 1st quality | ... | |
| 5. Sugar, moist, best, Benares | ... | |

Tenders will be received up to 2 P. M. of the 3rd December 1866, and opened at noon on the day following in this Office, where printed forms can be obtained.

G. S. MACBEAN, Major,
Asst. Commsy. General.

CALCUTTA;
Commissariat Office,
No. 6, Park Street,
The 1st November 1866.

Commissariat Notice.

No. 5.

SEALED Tenders will be received by the Commissariat Officers of Dinapore and Hazareebaugh up to 4 P. M. of the 3rd December 1866 for the supply of the under-mentioned articles by contract for one year, commencing from 1st February 1867, and will be opened by them in their Offices on the following day at noon in presence of tendering parties who may choose to attend.

Parties desirous of tendering will be furnished with all particulars on application to the above Officers.

Rice, Sugar, Barrack Bedding, Hospital Clothing, and Cattle Gear.

H. MILLS, Major,
Offg. Dy. Asst. Commsy. General.
DINAPORE;
Commissariat Office,
The 1st November 1866.

Notice.

REQUIRED for the Darjeeling District a Treasurer, who will be required to furnish security to the amount of Rupees (10,000) ten thousand. Salary, Rupees 65 a month. Application to be made to the

DEPY. COMM'R., DARJEELING.

DARJEELING,
The 9th October 1866.